

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 22, 2017, 7:00pm



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PUBLIC NOTICE

The Mayor and City Council invite you to

our next City Council Meetings

TUESDAY, AUGUST 22, 2017

5:00 PM - Work Session

7:00 PM - Regular Meeting

South Fulton Service Center Auditorium

5600 Stonewall Tell Road

College Park, GA 30349

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7700.



DIVIDER SHEET

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 22, 2017, 5:00PM



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

WORK SESSION AGENDA

- Review of the August 22, 2017 Regular Meeting Agenda
- Executive (CLOSED) Session regarding personnel, litigation or real estate matters, if necessary



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The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, August 8, 2017
 - b. Meeting Minutes – Tuesday, August 15, 2017
 - c. Proclamation recognizing Teaching Hodari Sadiki Williams
Appreciation Day. **(Edwards)**
5. Approval of the Regular Meeting Agenda
6. Proclamations and Recognitions
 - a. Proclamation recognizing Torrey Tomlinson & Third Annual Old
National Day. **(khalid)**

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7. Public Comment

- a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

8. Business

a. Resolution

- i. Resolution authorizing the City to Obtain General Liability Insurance Coverage through the Georgia Municipal Association. **(Res2017-040)**
- ii. Resolution adopting the Official Seal for the City of South Fulton. **(Baker - Res2017-041)**
- iii. Resolution to envision the City of South Fulton as a Smart City. **(Rowell, Willis, and Gumbs – Res2017-042)**
- iv. Resolution for City Intern Program. **(Willis – Res2017-043)**

b. Ordinances

- i. **[SECOND READING]** Adoption of Personnel Ordinance and amendment to existing Ordinance No. 2017-003. **(Ord2017-015)**
 - 1. Amendment #1 to Ordinance No. 2017-015. **(Gilyard)**
 - 2. Amendment #2 to Ordinance No. 2017-015. **(Jackson)**
- ii. **[SECOND READING]** Substitute Ordinance #2 - Adoption of amendments to Ordinance No. 2017-012 regarding Board of Code Enforcement, pertaining to renaming the Board. **(khalid - Ord2017-016)**
- iii. **[FIRST READING]** Ordinance to Create Title 7 of the City of South Fulton Code of Ordinances, Municipal Courts, to establish Municipal Courts of the City and for Other Related Purposes. **(Ord2017-017)**

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- iv. **[FIRST READING]** Ordinance to Create Title 8 of the City of South Fulton Code of Ordinances, Traffic and Vehicles, and to establish general rules of the road for the City of South Fulton. **(Ord2017-018)**
- v. **[FIRST READING]** Ordinance granting permission and consent to Coweta-Fayette EMC (a franchise agreement). **(Ord2017-019)**
- vi. **[FIRST READING]** Ordinance relating to mortgages, conveyances to secure debt, and liens; to provide for definitions; to provide for guidelines for vacant and foreclosed property registries; to provide for exemptions; to provide for maximum fees and penalties for registration and failure to register; to provide for appellate rights; to provide for severability; to provide an effective date; to repeal all ordinances and parts of ordinances in conflict herewith; and for other purposes. **(Rowell – Ord2017-020)**
- vii. **[FIRST READING]** Adoption of Financial Policy Ordinance and Amendment to existing ordinances no. 2017-003 and 2017-007. **(Rowell – Ord2017-021)**
- viii. **[FIRST READING]** Adoption of Debt Policy Ordinance. **(Ord2017-022)**

9. Board Appointments

- i. Request approval of the following Board Appointments:
 - 1. Planning Commission
 - a. Ms. Shatekwa Floyd **(khalid)**
 - 2. Zoning Board of Appeals
 - a. Ms. Sareena Beasley **(khalid)**
 - 3. Board of Code Enforcement
 - a. Ms. Violet Crawford **(khalid)**

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10. Unfinished Business
 - a. Resolution for Parity of Pay Among Mayor and Council Staff. **(khalid - Res2017-039, approved on August 8, 2017, and vetoed on August 9, 2017)**
11. City Manager's Weekly Update
 - Merit System
 - Internship Program
12. Mayor and City Council Comments (Two minutes each)
13. Adjournment



DIVIDER SHEET

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 8, 2017, 5:00PM



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The Work Session was called to order by Mayor Edwards at 5:03pm.

- **Review of the August 8, 2017 Regular Meeting Agenda**

The Interim City Attorney Josh Belinfante introduced the following procedural modifications for the Regular Meeting Agenda:

- 1) Addition of a cover sheet for Agenda Item Res2017-036 (Airport West CID);**
- 2) Revised legislation for Res2017-038 (Workers’ Compensation);**

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- 3) Addition of a cover sheet for Ord2017-003 (Personnel Ordinance & Amendments to rename and renumber portions therein); and,**
- 4) Revised legislation for Res2017-023 (Proclamations and Letters of Commendation).**

There being no further business, the Work Session was adjourned at 5:07pm.

- **Executive Session regarding personnel, litigation or real estate matters**

A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to recess for Closed Executive Session regarding litigation, personnel and real estate. The motion passed unanimously.

The Executive Session was called to order by Mayor Edwards at 5:15pm.

All members of City Council were present, including Interim City Manager Ruth Jones, Chief Financial Officer Frank Milazi, Interim City Attorney Josh Belinfante, City Attorney representative Brian Lake, and City Clerk Mark Massey.

The Executive Session adjourned at 6:54pm.



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The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:00pm.
Following the roll call, all members were present.

2. Invocation

The invocation was rendered by Pastor Warren L. Henry, Sr.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

4. Approval of the Consent Agenda

- a. Meeting Minutes – Tuesday, July 25, 2017**
- b. Meeting Minutes – Tuesday, August 1, 2017**

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- c. Assignment and Assumption of Lease located at 5440 Fulton Industrial Boulevard, as agreed to in the Intergovernmental Agreement with Fulton County (**Res2017-030, approved on June 27, 2017**).

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to approve the Consent Agenda. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember khalid and seconded by Councilmember Baker to amend the Regular Meeting Agenda by adding a Resolution, Res2017-039 (Parity of Pay Among Mayor & Council Staff), and direct the City Manager to find funds to pay the Councilmembers part-time staff. Councilmembers Gumbs, Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmember Willis voted no.

A friendly amendment was made by Councilmember Willis to have the HR Team to work with our area technical colleges and universities to find interns, in lieu of hiring seven personal assistants for Councilmembers. The friendly amendment was not accepted.

The Mayor expressed his concern of having Agenda Items that are not vetted, being placed on the Agenda on the same night.

A motion was made by Councilmember Baker and seconded by Councilmember Jackson to adopt the agenda as amended. The motion passed unanimously.

6. Proclamations and Recognitions

No proclamations were presented, however the Mayor requested the Interim City Manager Ruth Jones to introduce the two recently hired staff persons; Ms. Chata Spikes, Communication Director, and Ms. Teresa Adams, Purchasing Manager.

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7. Public Comment

- a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following fourteen (14) citizens offered public comment:

- **Ms. Helen Butler**, supports making Election Day a holiday, encouraging citizens to engage in the electoral process, and consideration of all holidays by the employees.
- **Mr. El-Mahdi Haile**, (Henry County) concern for checks and balances, supports Election Day matter regarding electoral college, and concern for secret vetoes and retaining transparency.
- **Mr. Wayne Hines**, concern for Firefighters and employment protections when the employees transfer over, and retain a merit system.
- **Mr. Greg Fann**, concern for employees of Fulton County, they need to know there will continue to be a merit system.
- **Ms. Zebulon Parham**, looking for inclusivity and transparency on all levels with regard to City government, wants to understand the process for building the City from the ground up, requests answers to questions that are raised during the public comment period, and concern for the minimizing salaries for employees on the front lines.
- **Mr. Carlos Lester**, Omnitech Institute, students, job trainings and certifications.
- **Mr. Jermaine Bradley**, Omnitech Institute, an alternative place for youth to go, job placement, and concern regarding a recent robbery in broad daylight.
- **Ms. Juliette Rankins**, concern regarding references on WSB radio to South Fulton as West Atlanta, West Hills, Westville and West Haven, crime-ridden motels/hotels, and a branding company is needed for the City.

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- **Ms. Glenda Collins**, transparency, integrity and honesty by the City is needed especially with Budget and policies, salaries for Council aides should be revisited, new hires should be able to hire their own staff for vacancies.
- **Ms. Barbara McKhee**, she is personally familiar with several Councilmembers, she wants us to come together to be a good City, the City needs a clock/timer for the public to watch their time elapse, we need to revamp the community, crime needs to come down through the neighborhood watch programs due to break-ins, and she needs help with her new business.
- **Mr. Tamahn Jamison**, having attended several community meetings he noticed at the 7/25 meeting that there was an uneasiness, and a little of disarray, uncertainty and personal agendas, a neighbor was shot in broad daylight yesterday, and he is concerned about the selection of the new police chief. Public safety is a major issue, and he is concerned with naming the City with names on cars and sleeves to help keep the community safe.
- **Ms. Rhonda Simpson**, thanked Councilwoman Willis, opposes the Personnel Ordinance (Ord2017-015), and concern regarding how Council is operating.
- **Mr. Jeb Boone**, support for Election Day holiday bill, and concern that employers can disenfranchise.
- **Mr. Jarman Bryant**, concern regarding false rumors on Facebook pertaining to Councilmember Jackson, and unwarranted criticisms of South Fulton.

At the conclusion of public comment, Mayor Edwards recognized Georgia State Representatives Roger Bruce and Derrick Jackson for being present at the meeting.

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8. Business

a. Resolution

- i. Resolution to authorize a cooperation agreement between the City of South Fulton and the Airport West Community Improvement District (CID). **(Res2017-036)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve Res2017-036. The motion passed unanimously, 7-0-0.

- ii. Resolution adopting a fee schedule for services.
(Res2017-037)

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to approve Res2017-037. The motion passed unanimously, 7-0-0.

Councilmember Gumbs asked if there were any adjustments made to the fee structure now that we are a City, because fees for new business licenses are higher than those in Johns Creek and Sandy Springs.

Mayor Pro Tem Rowell requested staff to look at practitioner fees across different fields, compare how some of our fees are not comparable to other municipalities, and bring back recommendations in order to become an environment that is more friendly to business, especially where our fees are significantly higher.

- iii. Resolution to approve Workers' Compensation insurance coverage through Georgia Municipal Association (GMA).
(Res2017-038)

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to approve Res2017-038. A friendly amendment was made by Councilmember Baker and accepted by

Councilmembers Willis and Jackson to enact the REVISED resolution (Res2017-038), as presented by the Interim City Attorney. The motion passed unanimously, 7-0-0.

b. Ordinances

- i. [FIRST READING] Adoption of Personnel Ordinance and amendment to existing Ordinance No. 2017-003. (Ord2017-015)**

Councilmember Willis requested the HR department provide detailed information regarding what the grievance process will be, standard operating procedures (SOPs) for adverse and non-adverse actions, how the grievance panel will be comprised, who oversees it, and the option for a 3rd party panel.

Councilmember Jackson requested to see something for the lower-paid employees to be merit employees and the higher-paid employees being at-will.

- 1. Amendment to Ordinance No. 2017-015. (Gilyard)**

Amendment presented.

Councilmember Willis requested a friendly amendment that will not require HR's participation with every interview panel. Councilmember Gilyard accepted the friendly amendment.

At this time, Mayor Edwards recognized College Park Councilman Joe Carn for being present at the meeting.

- 2. Amendment to Ordinance No. 2017-015. (Jackson)**

Amendment presented and no action taken.

- ii. [FIRST READING] Adoption of amendments to Ordinance No. 2017-012 regarding Board of Code Enforcement, pertaining to renaming the Board and compensation. (khalid - Ord2017-016)**

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After the discussion and staff presentations, it was determined that either the Board or the legislation needed to be amended to be more aligned with the will and intent of Council.

9. Unfinished Business

- a. Resolution regarding standards for issuing Proclamations and Letters of Commendation. **(Rowell - Res2017-023, held on May 23, 2017)**

A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to approve the REVISED Res2017-023 as amended to not limit the resolution to the Office of the Mayor, but to incorporate both the Mayor and City Council, to amend sections 2c. and 2d. relating to Significant birthdays and wedding anniversaries, and to delete section 4c. The motion passed unanimously, 7-0-0.

- b. Resolution to Amend the City's Holiday Schedule to Recognize Election Day as an Annual Official City Holiday. **(Res2017-034, approved on July 25, 2017, and vetoed on July 26, 2017)**

The Mayor recognized Georgia State Representative Roger Bruce for comment.

A motion was made by Councilmember khalid and seconded by Councilmember Baker to override the Mayor's Veto of Res2017-034. Councilmembers Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs and Willis voted no. The motion to override the Mayor's Veto failed due to a lack of five affirmative votes as required by the City Charter, 4-3-0.

- c. **(ADD-ON) Resolution for Parity of Pay Among Mayor & Council Staff. (khalid - Res2017-039)**

A motion was made by Councilmember khalid and seconded by Councilmember Baker to approve Res2017-039 for seven part-time

Council aides. Councilmembers Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs and Willis voted no. Therefore, the motion passed, 4-3-0.

10. City Manager's Weekly Update

Councilmember khalid indicated that the Interim City Manager requested direction with regard to the seven part-time Council aides for the FY2018 budget. The Interim City Manager indicated that she did not need any further direction.

At the request of Councilmember Gumbs, the action taken in Executive Session was announced, whereupon the Interim City Attorney requested the City Council to make a motion and vote in open session.

A motion was made by Councilmember Gumbs and seconded by Councilmember khalid to release the RFP for the Executive Search for the permanent City Manager and request the HR department to provide a 4 - 6 months timetable for what needs to be done to get the permanent City Manager on board. A friendly amendment was made by Councilmember Jackson to add the Executive Search for the Police Chief to this motion. The friendly amendment was accepted. The motion passed unanimously, 7-0-0.

A motion was made by Councilmember Gumbs to reconsider the previous action to amend the timetable for HR from 4 - 6 months to 3 months. A friendly amendment was made by Councilmember khalid to have the draft RFP ready for Council by Friday. The first friendly amendment was accepted. Councilmember Willis requested the due date for the draft to be delayed, in order to allow staff more time to complete the Budget. The second friendly amendment was not accepted. The motion passed unanimously, 7-0-0.

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11. Mayor and City Council Comments

All City Councilmembers made announcements or statements regarding activities within their respective districts or within the City.

12. Adjournment

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember khalid to adjourn the meeting. Hearing no objections, the meeting was adjourned at 10:15pm.



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The Work Session was called to order by Mayor Edwards at 5:05pm, and a quorum was present.

1. Presentation by Connect South Fulton, a new organization dedicated to increasing jobs, investment, and economic prosperity in South Fulton County.

A presentation was made by Union City Mayor Vince Williams and Mr. Craig Lesser, Managing Partner of the Pendleton Consulting Group, followed by a question and answer period from the Mayor & Council.

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2. Presentation by Fulton County on TSPLOST, Capital Improvement Program, General Operations and the need for a new Comprehensive Transportation Plan

A presentation was made by Fulton County COO Todd Long, Transportation Administrator Antonio Valenzuela, and Public Works Director David Clark, followed by a question and answer period from the Mayor & Council.

Following the presentation on Transportation, the Mayor & Council discussed the FY2018 budget. Staff requested to cancel the upcoming Budget Work Session on Wednesday, August 16, 2017, due to information shared by the Interim City Manager Ruth Jones, Finance Director Frank Milazi and Budget Manager Felicia Johnson, resulting from a meeting held with Fulton County earlier in the week. Staff indicated their need to adjust the proposed FY2018 Budget presented by staff on Friday, August 12, to accommodate Fulton County's expenditures during the period of January – April 2017, prior to Cityhood. Fulton County COO Todd Long answered questions posed by Mayor & Council, on the County's behalf. Hearing no objections, the Budget Work Session scheduled for Wednesday, August 16, 2017 was canceled.

3. Update on the Municipal Courts (Interim City Attorney)

A presentation was made by Interim City Attorney Josh Belinfante, followed by a question and answer period from the Mayor & Council.

4. Adjournment

A motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to adjourn the meeting. Hearing no objections, the Work Session was adjourned at 7:23pm.



DIVIDER SHEET



Proclamation

City of South Fulton

WHEREAS, Reverend Hodari Sadiki Williams is a next generation preacher and theologian who is committed to keeping the culture of prophetic preaching alive. His preaching challenges individuals to see Jesus as a social engineer that confronted the social, political and economic issues of his time.

WHEREAS, Reverend Williams and his teaching and preaching is known to inspire people to advocate for social, political and economic justice for the marginalized. His passion for social justice led him overseas in 2007 to Nairobi, Kenya, where he worked with the Nobel Peace Prize Laureate Professor Wangari Maatha, founder of the Green Belt Movement.

WHEREAS, He attributes his passion for social justice to his parents who were very involved in the Black Power Movement. Reverend Williams has been inspired by the works of Huey P. Newton, Malcolm X, Dr. James Cone, Dr. Carolyn Ann Knight, Dr. Mark Lomax and Dr. Randall C. Bailey.

WHEREAS, Currently, Reverend Williams is the Pastor and Head of Staff at New Life Presbyterian Church. Reverend Williams is a proud member of Alpha Phi Alpha Fraternity Inc., member of Prince Hall Masonic Lodge #66, and co-director of the male mentoring group Omega 13, Inc., of which his father was a founder. He also serves on the board of trustees for Johnson C. Smith Seminary, in Atlanta, GA.

WHEREAS, Reverend Williams is married to his college sweetheart and television personality, Nakell A. Williams of Summerton, SC. They are both the proud parents of Asad Hashim Williams.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton congratulate Reverend Hodari Sadiki Williams on his Service of Installation and do hereby proclaim Sunday, August 13, 2017, as **"TEACHING ELDER HODARI SADIKI WILLIAMS APPRECIATION DAY"** in the City of South Fulton, Georgia.

Mayor William "Bill" Edwards



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-040

**A RESOLUTION AUTHORIZING THE CITY TO APPLY TO OBTAIN
GENERAL LIABILITY INSURANCE COVERAGE THROUGH THE GEORGIA
MUNICIPAL ASSOCIATION**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the “City Charter”), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, the City employs and intends to continue to employ persons to assist with City functions;

WHEREAS, the City is authorized under City Charter Section 1.12(b)(7) to enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;

WHEREAS, Article 9, Section 3, Paragraph 1 of the Constitution of Georgia authorizes municipalities and other political subdivisions to contract with each other for activities which the contracting parties are authorized by law to undertake; and,

WHEREAS, Chapter 85 of Title 36 of the Official Code of Georgia Annotated authorizes public entities to execute intergovernmental contracts to form and become members of an interlocal risk management agency for the purpose of sharing liability, motor vehicle and property damage risks in whole or in part with those of other public entities; and,

WHEREAS, municipalities within Georgia have found it increasingly difficult to obtain commercial insurance protection, and have found the costs of such protection often exceeds the ability of a public entity to pay; and,

WHEREAS, public entities in Georgia need a stable method for managing their risks to avoid the unpredictable and cyclical nature of the commercial insurance market; and,

WHEREAS, many Georgia public entities do not have sufficient resources to self-insure their risks on an individual basis; and,

WHEREAS, the Georgia Municipal Association has studied the possibility of creating an intergovernmental risk management agency so that Georgia public entities may self-insure their risks and has concluded that such an agency is economically feasible; and,

WHEREAS, the City of South Fulton is desirous of becoming a Member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and,

WHEREAS, the governing authority of the City of South Fulton has reviewed the intergovernmental contract and the bylaws of GIRMA and finds that the goals of GIRMA and the obligations imposed upon this public entity are in accordance with the philosophy and public policy objectives of this community; and;

WHEREAS, the governing authority of the Public the City of South Fulton finds that it is in the best interest of its citizens to become a member of GIRMA,

BE IT HEREBY RESOLVED by the Mayor and City Council as follows:

- Section 1: The City Council authorizes the Mayor to execute, on behalf of the City of South Fulton, a contract to become a Member of GIRMA and any other documents necessary to effectuate this purpose. A copy of the contract and bylaws of GIRMA are attached to and made part of this resolution as Appendix 1.
- Section 2: The powers of GIRMA, unless the contract and bylaws are amended, shall be limited to those contained in the documents attached as Appendix 1, those authorized by Chapter 85 of Title 36 of the Official Code of Georgia Annotated and the rules and regulations of the Insurance Commissioner of the State of Georgia.
- Section 3: The commencement of operations and the continuing operations of GIRMA and the obligation of the City to fully participate in such operations shall be effectuated in accordance with the contract and bylaws.
- Section 4: The Mayor is designated as the City's representative to GIRMA. The City may change its representative by informing GIRMA of the change in writing.
- Section 5: This resolution shall be effective upon its passage and approval.

~~**BE IT HEREBY RESOLVED** by the Mayor and City Council, as follows:~~

- ~~1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.~~
- ~~2. The City Council authorizes the Mayor to execute, on behalf of the City of South Fulton, the GMA's Application for Membership in Group Self Insurance Fund ("Application"), a copy of which is attached hereto, and any other documents necessary to enroll the City as a member in the GMA General Liability Self Insurance Fund.~~

~~Upon approval of the Application, the City shall subscribe to and abide by the GMA Property & Liability Self-Insurance Program.~~

~~3. Coverage provided by the GMA Workers' Compensation Self-Insurance Fund shall initially cover all City Administration, Clerical, and Parks and Recreation staff and said coverage shall be amended as necessary to cover all other employees of the City as they transition or become hired to perform work as employees of the City.~~

The foregoing Resolution No. **2017-040** was adopted on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. CITY OF SOUTH
FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

RESOLUTION NO. 2017-041

RESOLUTION ADOPTING THE OFFICIAL SEAL FOR THE CITY OF SOUTH FULTON

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City Council desires to change the current Seal to the attached Seal; and

WHEREAS, once the attached Seal is approved by the City Council, it will be the official Seal of the City of South Fulton.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA.

The foregoing Resolution No. **2017-041** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY





DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-042

A RESOLUTION TO ENVISION THE CITY OF SOUTH FULTON AS A SMART CITY.

Mayor Pro Tem Catherine Rowell and Councilwomen Helen Z. Willis and Carmalitha Gumbs offer the following Resolution No. 2017-042 to Envision the City of South Fulton as a Smart City:

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt resolutions relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Smart Cities use information and communications technology to enhance the livability, workability and the sustainability of the City;

WHEREAS, government touches almost every facet of our lives and there is a benefit in the use of smart technologies to provide more intelligent, interconnected and efficient services in the areas of public safety, planning, economic development, code enforcement, transportation and utilities, etc.;

WHEREAS, this Envision the City of South Fulton resolution seeks to shed the spotlight on the changing pace of technological advances that require an adaptive and reiterative approach to public sector planning by showcasing examples of how these solutions are being deployed;

WHEREAS, the City will begin to integrate Smart City initiatives in policy and practice and to encourage city departments, community partners, technology companies, and start-ups to create and leverage opportunities to be innovative by Smart City solutions;

WHEREAS, the City of South Fulton would benefit from a common transparent framework to catalyze joint understanding, prioritization, planning and resources for connecting technological opportunities;

WHEREAS, a reliable internet ecosystem is the foundation to build a smart city and facilitate improved service delivery and communication between the City and its

residents and tools (i.e. apps, kiosks, bridge inspection systems, sensor lighting, and fire detection energy monitoring) are available to generate real-time aggregate data to deliver services more efficiently;

WHEREAS, smart cities are employing technology to connect their disparate utility, infrastructure, and public service grids and enhancements to consumer products and infrastructure increasingly has the ability to sense surrounding stimuli, to communicate with other devices and people, and to draw on the computing and storage power of the cloud;

WHEREAS, city fleet vehicles can communicate with their respective (i.e. public works, code enforcement, police, and fire) departments when it is time for maintenance or replacement;

WHEREAS, smart transportation systems are using cameras and sensors to detect congestion and bottlenecks in traffic patterns and rely on cameras to enforce speed and traffic infractions and can be used to improve pedestrian and motor safety;

WHEREAS, sensors are being used by city engineers to monitor the structural soundness of bridges, to detect fires in buildings, and initiate calls to the fire department in emergency situations;

WHEREAS, zero net housing and the use of solar panels can generate energy back to the grid to make housing more affordable;

WHEREAS, drones can be used for law enforcement and firefighting to inspect unsafe and hard to reach areas, to conduct infrastructure inspections, for environmental monitoring to monitor illegal dumping and detect garbage in receptacles;

WHEREAS, LED lights are weather adaptive and communications can be automatically sent to the Department of Public Works when the bulbs need to be changed;

WHEREAS, public safety officers can wear body cameras that capture footage of interactions between themselves and city residents to ensure safety for both parties;

WHEREAS, traffic signals can capture traffic counts and violations; and mounted cameras on school buses can keep children safe; and

WHEREAS, the City desires to design Smart City initiatives to ensure that benefits accrue to ALL of its diverse community members.

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of the Resolution.

2. The City of South Fulton seeks to be innovative and collaborative in the design of the newly incorporated city and plans to adopt a number of smart city initiatives that will involve the use of information and communication technologies that generate and aggregate data; utilize analytical tools to facilitate dashboard reporting; and support a culture of continuous improvement and the employment of partnerships and best practices to bring transformative change to our city.

3. The City directs the City Manager to consider the strategic priorities identified by the City Council to serve as the roadmap for which to begin to focus and prioritize potential Smart City initiatives; to tackle local challenges and improve City services; identify the key goals and outcomes that would result operationally, and for achieving equitable quality of life outcomes for all residents; collaborate with the Fulton County to identify and inventory current Smart City initiatives and foster implementation on behalf of the City of South Fulton; and identify potential resources and means for partnering and financing Smart City efforts, to include public-private partnerships, and federal, state and local resources.

The foregoing Resolution No. **2017-042** was adopted on _____ and offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION No. 2017-043

A RESOLUTION FOR CITY INTERN PROGRAM

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; HB514;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Section 4.15 of the City Charter authorizes the City Council to establish personnel policies and procedures;

WHEREAS, The City of South Fulton desires to develop future employees and establish a partnership with technical and collegiate institutions to enhance the preparation of all students to have a successful career path;

WHEREAS, an intern program will serve as a learning experience and provide cultivation of future leaders and quality employees for the city;

WHEREAS, interns may assist City Councilmembers with policy research, constituent services, community projects, and aid in drafting legislation;

WHEREAS, The City of South Fulton is a new city and an intern program will help promote forward thinking and progressive ideas while also maintaining its diverse urban, rural, suburban cultural communities;

WHEREAS, an internship program will serve as a fiscally responsible alternative to help build the administrative and support system of the City and to encourage individuals to be public servants;

WHEREAS, the City finds it to be in the public interest and for the protection of the public welfare to establish an internship program to serve the City of South Fulton:

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The City’s Human Resource Department shall design and present to the City Council a proposed City internship program that meets the needs of the City and City Council, working with the City Manager, Clerk’s Office and other departments of the City as necessary.

2. The City's Human Resource Department shall present its findings and recommendation for a City internship program to the City Council, including a recommendation for stipends and/or compensation of interns where applicable, by _____.

The foregoing Resolution No. **Res2017-043** adopted on _____, offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-015

**ADOPTION OF PERSONNEL ORDINANCE AND AMENDMENT TO
EXISTING ORDINANCE NO. 2017-003**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Section 4.15 of the City Charter authorizes the City Council to establish personnel policies and procedures;

WHEREAS, at the July 25 meeting of the City Council, the City Council adopted a pay scale and an at-will employment policy with a grievance procedure;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, the City Council seeks to amend Ordinance 2017-003 to provide additional ordinances governing personnel policies, renumbering, and for other purposes;

WHEREAS, the City finds it to be in the public interest and for the protection of the public welfare to recruit the best employees to serve the City of South Fulton and to codify its existing practice:

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Renaming Title 1

Renaming “Title 1: Use of Code” to “Title 1: Administration” as follows:

Title 1: ~~USE OF THE CODE~~ Title 1: Administration

Section 2: Amending Title 2

Striking the heading entitled “Title 2: Legislature” and renaming it “Chapter 2: Legislature” as follows:

Title 2: ~~LEGISLATURE~~ Chapter 2: Legislature

Section 3: Renumbering Chapter 2

Renumbering the ordinances identified in Ordinance No. 2017-003 as:

Sections 2-1001 through 2-1019 shall be designated as “Chapter Two: General Provisions” and renumbered to as 1-2001 through 1-2019;

Sections 2-2001 through 2-2010 shall be designated as “Chapter Three: Mayor and Council” and renumbered as 1-3001 through 1-3010;

Sections 2-3001 through 2-3017 shall be designated as “Chapter Four: Elections” and renumbered as 1-4001 through 1-4017; and

Sections 2-4001 through 2-4030 shall be designated as “Chapter Five: Ethics Policy” and renumbered as 1-5001 through 1-5030.

Section 4: Creating Chapter Six – Personnel

Amending Ordinance 2017-003 to include Chapter 6, which shall provide for ordinances about municipal employees as follows:

Chapter 6: Municipal Employees

Sec. 1-6001. – At-Will Status and Grievance Procedure

(a) All persons employed by the City shall be on an at-will basis; provided, however, City employees will be afforded the opportunity to participate in a grievance procedure as set forth in the City Personnel Manual. Nothing contained in the City Personnel Manual shall change the employee’s at-will status.

(b) The Human Resources director shall create a Personnel Manual that may be presented to the City Council for review.

Sec. 1-6002 – Pay Scale

The City Council shall approve a pay scale for use by the Human Resources director, and such approval may come in the form of a resolution that was adopted prior to the effective date of this ordinance.

Section 5: Recodification

Title Two, enacted by Ordinance No. 2017-007, shall remain as Title Two of the Code of Ordinances and nothing in this Ordinance or any previous ordinance enacted by the City Council shall impair or limit the effect of Ordinance No. 2017-007.

Section 6: Severance

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 7: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be _____.

The foregoing Ordinance No. _____ was offered on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

AMENDMENT TO ORDINANCE No. 2017-015

An Amendment introduced by Councilwoman Gilyard:

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Section 4.15(1) of the City Charter authorizes the City Council to establish rules and regulations concerning the method of employee selection;

WHEREAS, Section 4.15(2) of the City Charter authorizes the City Council to establish rules and regulations concerning the administration of a position classification and pay plan;

WHEREAS, Section 4.15(5) of the City Charter authorizes the City Council to establish rules and regulations concerning notices as may be necessary to provide for adequate and systematic handling of personnel affairs;

An Amendment is hereby proposed to Ordinance No. 2017-_____, Adoption of Personnel Ordinance and Amendment to Existing Ordinance No. 2017-003, to include as follows:

Sec. 1-6003. – Personnel Handbook

The Human Resources Department shall prepare and submit to the City Manager a Personnel Handbook. The City Manager shall present the proposed Personnel Handbook to the City Council for review and adoption. In order for the Personnel Handbook to be effective, it must be ratified by resolution of the City Council. Any material changes to the Personnel Handbook must also be ratified by the City Council in the form of a resolution.

Sec. 1-6004. – Workforce Plan

At the time that the City Manager presents the proposed annual budget, he or she shall also present to the City Council the number of positions he or she is recommending for employment for the fiscal year. The City Manager must describe the duties of each City employee in a separate communication to the City Council, and the City Council may approve, by ordinance, ratification of the Personnel Handbook, or by other means the job descriptions provided by the City Manager.

Sec. 1-6005. – Hiring

(a) Persons hired as City employees shall be interviewed by at least two City employees in the same industry as the applicant, and one of the interviewers shall be from the Human Resources Department.

(b) When the City Manager is considering hiring a department head, in addition to the requirements of Section 2-2002(s), the City Manager shall confirm that the proposed salary is consistent with the City pay scale and demonstrate to the City Council how the potential hire will impact the annual budget.

(c) Prior to extending any offer of employment to any person, the City Manager must confirm that the salary proposed is consistent with the pay scale adopted by the City Council.

The foregoing Amendment _____ was offered by Councilmember Gilyard on _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS AMENDMENT adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

AMENDMENT TO ORDINANCE No. 2017-015

An Amendment introduced by Councilwoman Jackson:

Amending Section 4 of Ordinance No. 2017-015 addressing personnel as follows:

Amending Section 4 of Ordinance No. 2017-____ to provide for limitation on employment of certain municipal employees as follows:

Sec. 4-1003 – Limitation on Employment of Certain Employees

Any municipal employee who is employed by the Office of Mayor, serves as an aide to a City Councilmember, or as an assistant to an appointed official, shall be employed only so long as the elected or appointed person to whom they directly report is elected or appointed to the City government. Nothing in this paragraph shall be deemed to change the at-will status of any employee, including those identified in this ordinance.

The foregoing Amendment _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS AMENDMENT adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

AMENDMENT

Councilman khalid kamau offers the following amendment to Proposed Ordinance No. 2017-12, entitled “Adoption of Ordinance Establishing the Board of Code Enforcement for the City of South Fulton.”

Revising the title as follows:

ADOPTION OF ORDINANCE ESTABLISHING THE BOARD OF CODE ENFORCEMENT FOR THE CITY OF SOUTH FULTON

Revising the title of Chapter 4. as follows:

CHAPTER 4. – BOARD OF CODE ENFORCEMENT

Revising Section 3-4001, addressing the establishment of the Board, as follows:

Sec. 3-4001. – Board of Code Enforcement Established

- (a) *Creation.* There is hereby established a Code Enforcement Board which shall consist of eight members, residents of the city, who shall be appointed by the City Council as follows:
 - (1) One member shall be nominated by each member of the City Council and the Mayor; and
 - (2) Each member shall be approved by a vote of the majority of the City Council.
- (b) *Terms.* The Code Enforcement Board members shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A Code Enforcement Board member shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Code Enforcement Board members shall serve no more than two terms, either consecutive or non-consecutive, and a term shall end upon the swearing in or re-swearing in of the member of the City Council (or the Mayor) who nominates the Code Enforcement Board member.
- (c) *Chair and Vice Chair.* The Code Enforcement Board shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the Code Enforcement Board shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Code Enforcement Board. The vice-chairperson shall conduct the meetings in the chair’s absence. The vice-chairperson may be

appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.

(c) *Qualifications.*

(1) Members of the Code Enforcement Board shall hold no other city office or city-compensated position during such member's term.

(2) All Code Enforcement Board members shall be residents of the City.

(3) No person shall preside at a meeting of the Code Enforcement Board as a member of the Code Enforcement Board until they have been certified as having completed a training session of eight hours.

(d) *Removal.*

(1) Except as provided in paragraph (d)(2) of this Section, Code Enforcement Board members serve at the pleasure of the City Council and may be removed upon motion of the nominating commissioner and affirmative vote of a majority of the City Council.

(2) Code Enforcement Board members shall automatically be removed from the Code Enforcement Board if they miss two consecutive meetings without the permission of the Chair, or if the Code Enforcement Board member fails to attend at least 75 percent of the Code Enforcement Board meetings in a 12 month period. The Code Enforcement Board secretary shall notify the City Clerk of any Code Enforcement Board member who does not attend a meeting. If a Code Enforcement Board member is removed for failure to attend meetings as set forth in his paragraph, the removal is automatic and does not require a vote of the City Council.

(e) *Compensation.* The City Council shall, by resolution, determine the amount of compensation, if any, to be paid to the members of the Code Enforcement Board. In the absence of such resolution, no compensation shall be provided to the members of the Code Enforcement Board.

(f) *Jurisdiction.* The Code Enforcement Board shall have jurisdiction to decide matters and alleged violations ~~of the City Building Code~~ of all applicable codes and ordinances set forth in O.C.G.A. § 36-74-21(2) with the exception of state minimum standard codes provided in O.C.G.A. § 8-2-25 and ordinances and resolutions enacted pursuant to O.C.G.A. § 8-2-25.

Revising Section 3-4002, addressing officers and rules, as follows:

Sec. 3-4002. – Officers and rules.

The presence of four or more members shall constitute a quorum. The decisions of the Code Enforcement Board shall be by motion approved by a majority of those members present and voting, except that at least four members must vote in order for an action of the Code Enforcement Board to be official. The Code Enforcement Board member nominated by the Mayor shall not vote unless there is a tie. The City Attorney or his/her designee shall represent and be counsel to the Code Enforcement Board; provided, however, in the case of a conflict between the City Council and the Code Enforcement Board, the City Attorney shall represent the City Council.

The Code Enforcement Board shall adopt and publish policies, procedures and rules in keeping with the provisions of this chapter and submit the rules to the City Council for approval. If the City Council does not approve of the policies within three consecutive meetings of receiving such notice by the City Clerk, the rules shall be deemed adopted. Such policies, procedures and rules shall be available in the office of the City Clerk.

Revising Section 3-4003, addressing the Board Secretary, as follows:

Sec. 3-4003. – Code Enforcement Board Secretary.

A City employee shall serve as the Code Enforcement Board secretary. The secretary shall provide support to the Code Enforcement Board as reasonable and necessary to accomplish said Commission's duties. The secretary of the Code Enforcement Board shall provide the members of the Code Enforcement Board all information submitted to, or generated by, city staff on each substantive issue that the Commission considers, including: proposals, applications, citation(s), if any, as well as any other written communications given to the staff either in support of or in the opposition to the citation. The secretary shall be responsible for working with the City Clerk to maintain the records of the Code Enforcement Board.

Revising Section 3-4004, addressing meetings of the Board, as follows:

Sec. 3-4004. - Meetings.

The Code Enforcement Board shall establish its meeting schedule, and it shall meet at least twice a month. The Code Enforcement Board may cancel a meeting if there are no items to discuss, or for good cause. Additional meetings may be called by the chairman. All hearings before the Code Enforcement Board shall be open to the public except as provided by law. The alleged violator, the alleged violator's representative, the code inspector and any person whose interests are affected shall be given an opportunity to be heard. The Code Enforcement Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The initial presentation of each case before the Code Enforcement Board shall be by the code inspector.

Revising Section 3-4005, addressing hearings of the Board, as follows:

Sec. 3-4005. – Hearing.

- (a) *General.* No member of the Code Enforcement Board shall have the power to initiate enforcement proceedings under this chapter. If a violation of any provision of the Code of Laws is found, the code inspector shall notify the violator and specify a reasonable time to correct the violation. If the violation is corrected and then recurs or if the violation is not corrected by the time specified the code inspector may so notify the violator, but is not required to give the violator a reasonable time to correct the violation. If a violation is not corrected within the time specified, the code inspector shall request a hearing before the Code Enforcement Board.
- (b) *Notification.* If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the Code Enforcement Board and request a hearing. The case may be presented to the Code Enforcement Board even if the repeat violation has been corrected prior to the hearing, and the notice for the violator shall so state. The matter shall be scheduled for the next available hearing before the Code Enforcement Board, and notice of the hearing shall be given as provided in section 3-7009.
- (c) *Violation presents threat to public welfare.* If the code inspector has substantial reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and immediately notify the Code Enforcement Board and request a hearing.
- (d) *Continuance.* The Code Enforcement Board may continue the hearing from time to time for good cause. The Code Enforcement Board shall, in all instances, reach a decision within 15 calendar days from the date of the final hearing at which receipt of all evidence has been concluded.
- (e) *Postponed hearing.* When a quorum is not present, or the Code Enforcement Board is unable to reach a decision on a case, the hearing shall be postponed until the next scheduled Code Enforcement Board meeting, with notification provided in accordance with section 3-7009 of this chapter.
- (f) *Order to comply/order to pay fine.* Every order to comply and/or order to pay fine entered by the Code Enforcement Board shall be executed by the chairperson, or, in the chairperson's absence, the vice-chairperson, and shall be filed in the office of the secretary to the Code Enforcement Board.
- (g) *Variances.* The Code Enforcement Board, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the construction codes or public interest, and also finds all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
- (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
- (5) That the grant of the variance will be consistent with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.

In granting the variance, the Code Enforcement Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Code Enforcement Board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.

Revising Section 3-4006, addressing hearing notifications of the Board, as follows:

Sec. 3-4006. – Hearing notification.

- (a) Notification of the Code Enforcement Board hearing to the alleged violator shall be given by certified mail, return receipt requested, hand delivery by the code inspector or other persons designated by the City, by leaving said notice at the violator's usual place of residence with any person therein who is over 15 years of age and informing such person of the contents of the notice; or by leaving the notice at the violator's usual place of business with a manager or other upper level employee who is over 15 years of age and informing such person of the contents of the notice, no later than the 15th day before the date of the hearing. The notice shall be in a form approved by the City Manager and shall include a reference to the provisions of the Code of Laws and/or conditions of zoning being violated, and the date, time and location of the hearing.
- (b) At the option of the Code Enforcement Board, and in addition to the notice described above, or if repeated attempts at providing notice as described above are unsuccessful, notice of the hearing may be published 30 days prior to the hearing once a week for four consecutive weeks in the newspaper in which the sheriff's advertisements are printed for Fulton County. Proof of publication shall be provided and maintained for the official record.

- (c) Where efforts to provide notice pursuant to paragraph (a) of this section are unsuccessful, evidence of an attempt to serve the alleged violator pursuant to paragraph (a) together with proof of publication as provided in paragraph (b) shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice

Revising Section 3-4007, addressing decisions of the Board, as follows:

Sec. 3-4007 – Decisions of the Code Enforcement Board.

- (a) If, after the conclusion of the hearing, the Code Enforcement Board finds that a violation does exist, the Code Enforcement Board may issue an order to comply consistent with the powers granted in this chapter, with findings and conclusions. An order to comply shall set forth the street address or a description of the structure and/or premises sufficient for identification. An order to comply shall include notice that it must be complied with by a specified date and that an administrative fine may be imposed if the order is not complied with by said date. The order shall state the nature of the violation, and the Code Enforcement Board shall consider the following factors in determining the content of the order to comply.
- (1) Existence or nonexistence of a life, health or other type of hazard to the occupant or others in the building or premises;
 - (2) Severity of the hazard or negative effect upon the community;
 - (3) Number and extent of separate items that must be completed in order to bring the building or premises into compliance with the relevant codes;
 - (4) Length of time the violation(s) has been known to exist and the amount of time the code inspector has previously given for compliance;
 - (5) The existence or nonexistence of mitigating factors which caused the building or premises to be in violation or which may affect the amount of time for compliance.
 - (6) The Code Enforcement Board may divide the violation(s) into groups requiring compliance at various intervals, with inspections to be conducted at each stage by the code inspector.
 - (7) Whether the person coming before the Code Enforcement Board, or if the person is a corporation, whether any of its officers, members, or directors have been found liable for previous violations.
- (b) An order to pay fine shall specify the fine amount as determined and voted upon by the Code Enforcement Board, as well as the date and time the fine is due.
- (1) A certified copy of such order may be recorded in the public records of the City and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest

or assigns. If an order to pay fine is recorded in the public records pursuant to this subsection and the fine is paid by the date and time specified in the order, the Code Enforcement Board shall issue an order acknowledging that the fine has been paid in full and such order shall be recorded in the public records. A hearing is not required to issue such an order acknowledging the payment of a fine.

(2) The Code Enforcement Board may issue an order to pay a fine against the violator if the cited violation was not corrected within the time specified on the code inspector's notice or if an order to comply was not satisfied within the time specified in said order, even if said violation was corrected and brought into compliance prior to the hearing at which the fine was imposed.

Revising Section 3-4008, addressing notifications of decisions of the Board, as follows:

Sec. 3-4008. – Notification of decision.

The Code Enforcement Board shall provide the violator a copy of the order to comply and/or the order to pay fine by at least hand delivery or certified United States mail, postage prepaid and return receipt requested, within a reasonable period of time after the decision.

Revising Section 3-4009, addressing fines and fees, as follows:

Sec. 4-4009. - Fines and fees.

The Code Enforcement Board may impose fees and fines on a violator as follows:

- (1) A fine not to exceed \$1,000.00 per day for a violation involving the health or safety of a third party.
- (2) A fine not to exceed a total of \$1,000.00 for a violation not involving the health or safety of a third party.
- (3) The Code Enforcement Board shall determine fines considering the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
- (4) The Code Enforcement Board may reduce a fine imposed pursuant to this section.
- (5) Each day that the violation continues unabated shall be deemed an independent violation.

Revising Section 3-4010, addressing failures to pay fines, as follows:

Sec. 3-4010. - Failure to pay fine.

- (a) A certified copy of an order to pay fine may be recorded in the public records of the City and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator. Upon petition to the Superior Court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the Code Enforcement Board may request that the county attorney foreclose on the lien.
- (b) No lien imposed under this chapter shall continue for a period longer than 20 years after the certified copy of an order to pay fine has been recorded, unless within that time an action to foreclose on the lien is commenced in Superior Court. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees, which it incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Revising Section 3-4011, addressing remedies, as follows:

Sec. 3-4011. - Remedies.

Nothing contained in this ordinance shall prohibit the Code Enforcement Board, acting through the code inspector, from enforcing this ordinance by any other lawful means which include both criminal and civil proceedings; provided, however, that the Code Enforcement Board shall not pursue a specific instance of an alleged violation of the Code of Laws against the violator before both the Code Enforcement Board and a court authorized to hear violations of local ordinances.

Revising Section 3-4011, addressing appeals and transfers, as follows:

Sec. 3-4011. - Appeal and transfer.

An aggrieved party, including the City, may appeal a final administrative order of the Code Enforcement Board to the Superior Court of Fulton County by writ of certiorari.



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-017

**AN ORDINANCE TO CREATE TITLE 7 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES, MUNICIPAL COURTS, TO ESTABLISH
MUNICIPAL COURTS OF THE CITY AND FOR OTHER RELATED
PURPOSES.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-32-1, *et seq.* to establish and maintain a municipal court having jurisdiction over the violation of City ordinances and over such other matters as are by general law made subject to the jurisdiction of municipal court;

WHEREAS, pursuant to City Charter Sections 5.10 and 5.13, the City is authorized to create a municipal court for the purpose of serving the City by punishing violations of the City Charter, City ordinances, and other such violations as provided by law;

WHEREAS, the City finds it to be in the public interest and for the health, safety, welfare, and well-being of the City and its inhabitants to establish a municipal court to hear such matters;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Establishment of Municipal Courts Ordinance

Title 7 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Title 7: Municipal Courts

Section 2: Establishment of Municipal Courts Generally

Chapter 1 of Title 7 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Chapter 1: In General

Sec. 7-1001. - Created.

The city hereby creates the municipal court of the city. The court has the powers and jurisdiction set forth in sections 5.10 through 5.15 of the city Charter.

Sec. 7-1002. - Judges.

- (a) In accordance with section 5.11 of the Charter, the chief judge shall be nominated by the mayor and shall be confirmed by resolution of the city council. The chief judge shall serve a term of four years, coincident with the term of the mayor. Compensation of the chief judge and other judges shall be fixed by the city council.
- (b) The chief judge shall perform all duties authorized by state law, the charter, and the Uniform Rules, Municipal Courts of the State of Georgia, as amended from time to time ("Uniform Rules").
- (c) The chief judge shall take any and all such other actions as may be authorized for a chief judge of municipal court pursuant to the Uniform Rules, as may be approved by the council, and city ordinances.
- (d) In accordance with section 5.11(d) of the Charter, the chief judge may be removed for cause by a vote of five members of the city council or upon action taken by the Judicial Qualification Commission.
- (e) The City Council may approve additional municipal court judges by resolution, and the Mayor shall submit nominees to the City Council for approval. The municipal court judges shall serve a term of four years and may be reappointed to consecutive terms thereafter.
- (f) The municipal court judges may only be removed in accordance with the provisions of section 2.16 of the Charter.

Sec. 7-1003. - Additional personnel.

- (a) *Clerk of the court.* The city manager shall have the authority to hire or fire a municipal court clerk.
- (b) *Police.* Officers of the city police department or the county police department or the county sheriff's department, or any other law enforcement officer, may execute warrants and other writs in furtherance of the court's jurisdiction and orders.
- (c) *Bailiff.* At least one police department officer will serve as a bailiff whenever the municipal court is in session.
- (d) *Solicitor.* In accordance with section 4.12 of the Charter, the city attorney may be or may retain the prosecuting officer or solicitor in the municipal court, subject to the approval of the city council. The council may also, from time to time, appoint and contract with other attorneys who are members of the State Bar of Georgia to serve as a prosecuting attorney in municipal court. The compensation of said attorney shall be determined by the council.

Sec. 7-1004. - Court sessions.

The court shall be in session at least one day per month and other times as determined necessary by the clerk of court to keep the court dockets current.

Sec. 7-1005. - Court fees.

- (a) In accordance with section 5.13 of the Charter, the municipal court judges may set a schedule of fees to defray the cost of operation.
- (b) In accordance with section 5.13 of the Charter, the court may set city fines for violations of city ordinances, provided such fines do not exceed the statutory limits established by law.

Sec. 7-1006. - Authority to enact rules and regulations.

The chief judge has the full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the council. Such rules shall be filed with the city clerk and made available on the city website or by other means determined by the council. Upon request, such rules must be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

All rules proposed by the municipal court must follow the procedures outlined in the Uniform Rules, Municipal Courts of Georgia.

Sec. 7-1007. - Contempt of court.

The court may find persons in contempt of court and punish said persons in accordance with section 5.13 of the Charter.

Sec. 7-1008. - Fines.

- (a) For fines that may be due by any defendant, execution may be issued by the court clerk and collected as provided by law. The municipal court shall have the discretion to enter fines consistent with this Code, and state and federal law.
- (b) Persons charged with traffic violations or other offenses as specified by the judge may, prior to the time for their court appearance, plead guilty in writing and pay to the city as their fine the amount set as the appearance bond for the offense charged. Those persons charged with driving under the influence of alcohol or drugs and other serious offenses, as determined by the municipal court judge, shall be required in all cases to appear before the court for disposition of the case.

Sec. 7-1009. - Sentences.

In addition to any applicable fines, and upon a judgment or plea of guilty or pretrial diversion, the municipal court judge may impose sentence of confinement, compulsory work, or both; commit the defendant to confinement, compulsory work or both; suspend the execution of the sentence in whole or in part; place the defendant on probation; or defer the execution of the sentence or any portion or portions thereof to one or more fixed dates in the future. The court may punish for violations within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months, or both; except as otherwise provided by this Code or state law.

Sec. 7-1010. - Appeals.

Unless specified elsewhere in the Code or Charter, all appeals from decisions of the municipal court shall be appealable, by right of certiorari, to the superior court of Fulton County under the laws of the state regulating the granting and issuance of writs of certiorari.

Chapter 2 - BAIL

Sec. 7-2001. - General provisions.

Bail and bond considerations must be consistent with section 5.13(e) of the Charter and the Rule 18 of Uniform Rules, Municipal Courts of Georgia.

Sec. 7-2002. - Minor traffic offenses.

- (a) Pursuant to O.C.G.A. § 17-6-11, any person cited for a traffic offense shall be released in lieu of bail upon showing his or her driver's license. This provision does not apply to any charge of driving under the influence or other serious offenses designated by the chief judge.
- (b) All persons arrested or notified by citation or ticket of parking violations shall be released on their own recognizance.

Sec. 7-2003. - Professional bondsmen.

No professional bondsman shall be accepted as surety on a bail bond unless he holds a current business license in the city, is approved by the chief of police, and has fully complied with all other city requirements for bonding companies.

Sec. 7-2004. - Failure or refusal to give bond.

If the accused or a witness shall fail or refuse to give the bond and security as required under this chapter, the person so failing or refusing may be confined or kept under guard, so as to be present to abide the trial or to testify as the case may be.

Chapter 3 - COURT PROCEDURE

Sec. 7-3001 - Summons—Issuance.

Any member of the department of police, the solicitor of the municipal court and the assistant solicitor, in all cases where a complaint is made or information is obtained of any violation of this Code or other laws or ordinances of the city, shall issue a summons, directed to the accused, requiring the accused to appear before the municipal court to answer this charge. The summons shall designate the time and place of trial and shall be signed by the member of the department of police, the solicitor or assistant solicitor issuing it and a copy thereof shall be served upon the accused either personally or by leaving the copy at the place of residence of the accused.

Sec. 7-3002. - Same—Failure to appear.

It shall be unlawful for any defendant lawfully summoned to answer charges in the municipal court to either fail, neglect or refuse to appear at the time and place specified in the summons or fail to provide a satisfactory explanation for this absence. Failure to appear in municipal court for any noticed appearance may be cause for the court to continue the case until such time as the court shall direct, and the court may issue an order requiring the police chief, or other members of the department of police, to arrest the defendant and bring the defendant before the court to answer both the initial charges and the charge for failing to appear. The chief of corrections shall keep the defendant in custody until the defendant is brought before the court, unless the defendant posts bond for appearance, as provided by law. Nothing herein stated shall be construed to abridge the right of the solicitor to bring an action against the defendant.

Sec. 7-3003. - Subpoenas—Issuance.

Whenever the attendance of any witness may be required before the municipal court to establish any fact, the clerk of the municipal court shall issue a subpoena directed to the witness, stating the time and place of trial and the parties to the case, which shall be served as other process by the police chief or other police officers.

Sec. 7-3004. - Same—Failing or refusing to obey.

If any person lawfully summoned as a witness before the municipal court shall either fail, neglect or refuse to attend the trial for which the person has been summoned or fail to provide a satisfactory explanation for this absence, the person may be cited for

contempt and be fined in a sum not to exceed \$200.00. If the cause is continued because of the absence of this person, the court may issue attachment against the person requiring the person to show cause on the day appointed for trial why the person should not be cited for contempt. The police chief or other police officer shall, by virtue of the attachment, arrest the person and keep the person in custody until the person is brought before the court, unless the person posts bond for appearance, as provided by law.

Sec. 7-3005 - Contempt.

Any person who, during a sitting of the municipal court, shall be guilty of a contempt of court or who refuses to abide by an order of the court or sentence may be punished in the same manner as that provided in state law for contempt against the superior courts of this state.

Section 3: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 4: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be _____.

The foregoing Ordinance No. **2017-017** was adopted on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-018

**AN ORDINANCE TO CREATE TITLE 8 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES, TRAFFIC AND VEHICLES, AND TO ESTABLISH
GENERAL RULES OF THE ROAD FOR THE CITY OF SOUTH FULTON.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 4-6-371 to enact ordinances regulating motor vehicles and traffic with respect to streets and highways under their jurisdiction;

WHEREAS, pursuant to City Charter Section 1.12(b)(18), the City is authorized to regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the City;

WHEREAS, the City finds it to be in the public interest and for the health, safety, welfare, comfort, and well-being of the City and its inhabitants to regulate motor vehicles and traffic within the City;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Establishment of Traffic and Vehicles Code of Ordinance

Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Title 8: Traffic and Vehicles

Section 2: Adoption of General Rules of the Road

Chapter 1 of Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Chapter 1: In General

Sec. 8-1001. - Adoption of State and Federal Laws

(a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the City, there is hereby adopted, as if fully set out herein, the following federal regulations:

- (1) Reference 49 C.F.R. 382, 383, 390-393, and 395-397, the Commercial Motor Vehicle Safety Act of 1986; and
- (2) The Federal "Out of Service" Criteria as amended from time to time.

(b) *Adoption of state law by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. § 40-6-1 *et seq.*, known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this City with like effect as if recited herein.

Sec. 8-1002. - Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, confinement at labor for a period of time not to exceed 30 days, or any combination thereof.

Sec. 8-1003. - Temporary Traffic Regulations.

In cases where traffic upon the streets may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be liable for that violation as for other violations of this Chapter.

Sec. 8-1004. - Funeral processions.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Funeral procession means a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be lead by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.

(b) *Vehicles given the right-of-way; exception.* Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and

shall keep in close formation. When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

Sec. 8-1005. - Speed limits on City roadways.

- (a) *Speed limits.* Public streets or parts of the public streets within the City shall be subject to maximum speed limits as provided by O.C.G.A. § 40-6-181, which is incorporated herein by reference, and further as identified by posted regulatory signs where applicable. The City may revise, add to, or amend the applicable maximum speed limits on its public streets pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in the state.
- (b) *Speed detection devices.* All law enforcement personnel of the City who are certified in the use of speed detection devices are authorized to use such devices, in accordance with all applicable laws and regulations, in the locations designated by the City and as approved by the state department of transportation and the state department of public safety.

Sec. 8-1006. - Skateboards and bicycles.

- (a) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The chief of police and other departments of the City, after approval of the City manager, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of rollerskates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this Chapter is guilty of a violation of this Chapter to be punished pursuant to Sec. 8-1002; provided, however, that any offender under the age of 17 years shall be treated as provided by O.C.G.A. Title 15, Ch. 11 (O.C.G.A. § 15-11-1 *et seq.*). The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

Sec. 8-1007. - Private residential property trespass and private residential property trespass towing.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Park means to park unattended or abandon a vehicle on private residential property without authority or permission of the owner or occupant of the private residential property.

Private residential property means residential property within the City which is privately owned and which contains not more than four residential units thereon.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Wrecker or wrecker service shall mean an automotive vehicle with hoisting apparatus and equipment for towing vehicles which meets the qualifications imposed by the Georgia Department of Public Safety and the City for nonconsensual towing pursuant to the provisions of O.C.G.A. § 44-1-13, as may be amended from time to time, and the transportation rules of the Georgia Department of Public Safety, as may be amended from time to time.

- (b) *Prohibited on private residential property without invitation.* It shall be unlawful for any person to park a vehicle upon private residential property in the City without invitation or permission from the owner or person in legal possession of the premises. Any person or his or her authorized agent entitled to the possession of any parcel or space of private residential property shall have the right to remove or cause to be removed from the private residential property any vehicle thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle.
- (c) *Removal and storage.* Upon notification by a person entitled to the possession of private residential property that a vehicle is trespassing thereon, the City police department shall provide such person with the name and telephone number of the City's authorized wrecker service for nonconsensual towing, as determined by resolution of the council of the City. The City police department shall not contact the wrecker service directly for the removal of the trespassing vehicle from the private residential property, but shall assist the person owning the private residential property by providing the name and telephone number of the City's authorized wrecker service for nonconsensual towing.
- (d) *State law adopted.* The provisions of O.C.G.A. § 44-1-13 are hereby adopted by reference.

Sec. 8-1008. - Nonconsensual towing carriers; public electronic notification system; other purposes.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Department means the Georgia Department of Public Safety.

Nonconsensual towing means without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Nonconsensual towing carrier means a wrecker service engaged in the towing of trespassing vehicles on private property without prior consent or authorization of the owner or operator of the vehicle and having a secure impoundment facility.

Normal business hours means operating hours of a nonconsensual towing carrier as approved by the Department.

Secure impoundment facility means a facility owned or leased by a towing company for the purpose of providing secure storage of towed vehicles.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing vehicles.

- (b) *Compliance required.* The requirements of this section shall be in addition to any and all requirements of the Department in its authority to regulate and control the towing of trespassing vehicles on private property as provided in O.C.G.A. § 44-1-13. It shall be unlawful for any nonconsensual towing carrier to use or operate upon any of the streets of the City without complying with this section.
- (c) *Lettering on wreckers.* It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the City any wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the wrecker to operate on the streets of the City, the address from which the wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the wrecker and shall be at least two and one-half inches in height, and shall be permanently affixed to the wrecker. Magnetic signs are prohibited.
- (d) *Notification upon removal of vehicle at request of other than police officer.*
- (1) The operator of any wrecker removing a vehicle at the request of any person other than a police officer on duty for the police department shall report by

electronic means to the police department the fact that the vehicle was removed, released and its present storage place, together with a description of the vehicle, vehicle identification number and the tag number. The electronic report shall be made by the wrecker driver by electronic communication within one hour of the deposit of the vehicle at its storage point and within 24 hours of its release to the vehicle owner or agent of the vehicle owner.

- (2) The police department shall be authorized to engage the services of a person or entity authorized by the state to provide notice to owners of towed or impounded vehicles.

(e) *Impound lot; attendant.*

- (1) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain all records required by the Department, including the following information:

- i. Date and time the call was received by the wrecker service;
- ii. Name of the caller;
- iii. Date and time of initial towing;
- iv. Place of initial towing;
- v. Date and time of arrival at the impound lot;
- vi. Date and time of release to the owner of the impounded vehicle; and
- vii. Name of the wrecker driver and helper.

- (2) The records required in subsection (1) above shall be maintained at a location where affected members of the public may obtain such information electronically, by telephone or in person, during normal business hours. Further, all wrecker services, public and private, which impound vehicles pursuant to this section shall register with the police department the current telephone number of the person responsible for releasing the vehicles.

- (3) It shall be unlawful for any wrecker service to operate in the City without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express and Discovery card.

- (f) *Penalties for violation of this section.* A violation of any provision of this section shall result in the following penalties:

First offense: \$250.00

Second and subsequent offenses: \$500.00

Sec. 8-1009. - Direction of traffic.

- (a) It shall be unlawful for an individual, business, private contractor or other entity to utilize the services of an off-duty public safety officer to direct traffic in a public right-of-way within the City for its clients, employees or events without having obtained a permit from the City to do so as hereinafter provided. "Direction of traffic", as used in this section, shall mean the controlling or restricting of movement of any motor vehicle that is traveling in a public right-of-way within the City.
- (b) A public safety officer utilized by an individual, business, private contractor or other entity to direct traffic shall be approved by the City police department as qualified to do so and shall be subject to all applicable rules, regulations and guidelines of the City's police department.
- (c) Every individual, business, private contractor or other entity desiring to obtain a permit required by this section shall make written application to the City's revenue department in the form approved by the department. The application shall provide all information as may be requested by the City. Failure to furnish any information requested by the City in consideration of the application within 30 days of request by the City shall result in automatic dismissal of the application.
- (d) Any application for a permit submitted to the revenue department pursuant to this section shall be subject to the approval of the City's public works department, with the concurrence of the City's police department. Approval of a permit under this section, when given, is subject to modification or cancellation by the City at any time by providing seven days' written notice of modification or cancellation to the holder of the permit.
- (e) A permit issued under this section shall be renewable on an annual basis. At all times, an individual, business, private contractor or other entity having obtained a permit pursuant to this section must have on display, in a conspicuous location within the offices of the individual, business, private contractor or other entity as designated in the permit application, the permit for the current permitting year, to be available for inspection by authorized representatives of the City at all times.
- (f) Any individual, business, private contractor or other entity who violates this provision is guilty of a violation of this Code and shall be punished as provided in Sec. 8-1002.

Section 3: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences,

clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 4: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be _____.

The foregoing Ordinance No. **2017-018** was adopted on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF SOUTH FULTON

ORDINANCE NO. 2017-019

AN ORDINANCE GRANTING PERMISSION AND CONSENT TO COWETA-FAYETTE ELECTRIC MEMBERSHIP CORPORATION, A GEORGIA NON-PROFIT ELECTRIC MEMBERSHIP CORPORATION, AND ITS SUCCESSORS, LESSEES, AND ASSIGNS (HEREINAFTER REFERRED TO COLLECTIVELY AS THE "COMPANY") TO OCCUPY THE STREETS AND PUBLIC PLACES OF THE CITY OF SOUTH FULTON, A MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF GEORGIA (HEREINAFTER REFERRED TO AS THE "CITY"), IN CONSTRUCTING, MAINTAINING, OPERATING, AND EXTENDING POLES, LINES, CABLES, EQUIPMENT, AND OTHER APPARATUS FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, pursuant to Section 1.12(b)(32), the City is authorized to grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor;

WHEREAS, the City considers collecting a franchise fee from an electric power company utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure,

WHEREAS, the City of South Fulton City Council finds it in the best interest of the City to adopt and enter into an Electricity Franchise Agreement as set forth herein with Coweta-Fayette Electric Membership Corporation.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent are hereby granted to the Company, for a period of thirty-five (35) years from the granting of this franchise, to occupy and use the streets,

alleys, and public places of the City within the present and future corporate limits of the City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus (hereinafter referred to collectively as the "Company's Facilities") for use in various businesses and purposes, including transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power, and other purposes for which electric current may be or become useful or practicable for public or private use, and all purposes incidental thereto or reasonably related to business in which the Company is lawfully engaged, and to re-enter upon such streets, alleys, and public places from time to time as the Company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission, and consents herein contained are granted for the following considerations and upon the following terms and conditions:

1. The Company shall pay into the treasury of the City on or before the first day of March in each year following the granting of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial, and industrial rate schedules within the corporate limits of the City during the preceding calendar year.

2. The amount, if any, of any tax, fee, charge, or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property, shall operate to reduce to that extent the amount due from the percentage of gross sales provided for in paragraph 1 of this Section II.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to persons or property caused by the construction, maintenance, operation, or extension of the Company's Facilities, or conditions of streets, alleys, or public places resulting therefrom, for which the City would otherwise be liable.

4. The Company shall, in constructing, maintaining, operating, and extending the Company's Facilities, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. For purposes of paragraph 6 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future corporate limits of the City. Distribution Facilities do not include any of the

following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereinafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereinafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; or (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork.

6. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 6 shall not affect the amounts paid or to be paid to the City under the provisions of paragraph 1 of this Section II. Notwithstanding the foregoing provisions of this paragraph 6, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property (which shall include those located on easements acquired by the Company from persons or entities other than the City) at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation; (v) Distribution Facilities that do not obstruct or interfere with the safe use of the City's streets or public places, and that do not obstruct or interfere with plans for road widening, the creation of new turn lanes, or acceleration /deceleration lanes.

7. The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's Facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

8. With regard to each project undertaken by or on behalf of the City for which the Company is not obligated, in accordance with paragraph 6, to pay the cost of relocation, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's Facilities (whether Distribution Facilities,

Transmission Lines, Transmission Structures, or other facilities) in connection with such project.

SECTION III. Be it further ordained that nothing contained in this ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that, notwithstanding anything herein to the contrary, the Company shall not be obligated to pay to the City the fee provided for herein, or any portion thereof, on the gross sales of electric energy to customers living within areas that, on the effective date of this franchise, are not both: (i) within the City limits on the effective date, and (ii) depicted as being within the City limits on the maps provided to Company and attached hereto as Exhibit A.

SECTION V. Be it further ordained that, notwithstanding anything herein to the contrary, the Company shall not be obligated to pay to the City the fee provided for herein, or any portion thereof, on the gross sales of electric energy to customers living within areas that, after the effective date of this franchise, are annexed to the corporate limits of the City before ninety (90) days after the Company receives written notice from the City that the City intends to annex (or has already annexed) the territory in which said customers are located. To be effective, any such notice must include an electronic map of the annexed areas in a format reasonably acceptable to Company.

SECTION VI. Be it further ordained that all notices under this ordinance shall be made in writing and shall be delivered or sent by (a) first class, registered or certified mail, postage prepaid, return receipt requested; (b) guaranteed overnight delivery (such as Federal Express or United Parcel Service Next Day Air); or (c) hand delivery addressed to the address of the party in question as set forth below or to such other addresses as either party may designate by notice given pursuant to this Section. Notices shall be effective upon receipt by the notified party.

To the Franchising Authority:

Mayor of City of South Fulton
5440 Fulton Industrial Boulevard
Atlanta, Georgia 30336

To the Grantee:

Coweta-Fayette Electric Membership Corporation
Attn: Christopher L. Stephens, President and Chief Executive Officer
807 Collinsworth Road
Palmetto, Georgia 30268

SECTION VII. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file the Company's written acceptance of the franchise granted in this ordinance with the Clerk of the City.

SECTION VIII. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

The foregoing Ordinance No. **2017-019** was adopted on _____ and offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell (Mayor Pro Tem)	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

The foregoing franchise accepted on

COWETA-FAYETTE ELECTRIC
MEMBERSHIP CORPORATION

By:

Christopher L. Stephens
President and Chief Executive Officer

THIS ORDINANCE adopted this _____
day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

By:

William "Bill" Edwards
Mayor

Attest:

By:

Mark Massey
City Clerk

APPROVED AS TO FORM:

By: _____
Josh Belinfante
Interim City Attorney

EXHIBIT A

<MAPS DEPICTING CITY LIMITS>

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-020

ADOPTION OF ORDINANCE RELATING TO MORTGAGES, CONVEYANCES TO SECURE DEBT, AND LIENS; TO PROVIDE FOR VACANT AND FORECLOSED PROPERTY REGISTRIES; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR GUIDELINES FOR VACANT AND FORECLOSED PROPERTY REGISTRIES; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE FOR MAXIMUM FEES AND PENALTIES FOR REGISTRATION AND FAILURE TO REGISTER; TO PROVIDE FOR APPELLATE RIGHTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens;

WHEREAS, the City finds that there is a need to establish a foreclosure and vacant real property registry as a mechanism to protect property values in neighborhoods for all property owners;

WHEREAS, the registry will ensure that owners of vacant properties meet minimum standards of maintenance and are aware of the obligations of ownership under relevant codes and regulations and are known to the City and other interested parties and can be reached if necessary;

WHEREAS, due to the lack of adequate maintenance and security of properties that are foreclosed or where ownership has been transferred after foreclosure, the property values and quality of life of neighboring properties are negatively impacted;

WHEREAS, improperly maintained and foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of communities;

WHEREAS, difficulties arise in locating the person responsible for the condition of foreclosed real property;

WHEREAS, the City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address the condition of foreclosed and vacant real property; and

WHEREAS, this foreclosure and vacant real property registry will require owners and agents to provide the City with official information for contacting a party responsible for bringing foreclosed and vacant real property into compliance with applicable provisions of municipal code of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Chapter 5, Title 3 Building Regulations, is hereby established and enacted as follows:

Sec. 3-5001. Short Title.

This Chapter shall be known as the “City of South Fulton, Georgia Vacant and Foreclosed Real Property Registry Ordinance.”

Sec. 3-5002. Definitions.

- (a) **Agent:** An individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner. The definition of ‘agent’ shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Chapter.
- (b) **Foreclosed Real Property:** Improved or unimproved real property and is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor or shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ.
- (c) **Street Address:** The street or route address. Such term shall not mean or include a post office box. The definition of ‘street address’ shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Article.
- (d) **Vacant Real Property:** Real property that:
 - (1) Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or

- (2) Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. The definition of 'vacant real property' shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Article.

Sec. 3-5003. Registration of Vacant or Foreclosed Property.

- (a) Owner or agents of foreclosed real property or vacant real property, including foreclosed real property and vacant real property which is residential rental property, are required to register such property with the City of South Fulton Public Works office ("Office") within thirty (30) days of such property becoming foreclosed or vacant real property by following the provisions of this section unless otherwise exempted by this Chapter or state law.
- (b) Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the city is required to file with the Office a registration form in either electronic or paper format containing the following information:
 - (1) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (2) The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (3) The real property's street address and tax parcel number;
 - (4) The transfer date of the instrument conveying the real property to the owner; and
 - (5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.
- (c) Registration is required for all vacant or foreclosed real property unless otherwise exempted, pursuant to this Chapter, but is not required for vacant or foreclosed real property within 90 days of such real property's transfer:
 - (1) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or
 - (2) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.
- (d) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Chapter or to Georgia law shall also be required to update the

information specified in subsection (b) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 3-5004. Foreclosed and Vacant Real Property Exemptions.

- (a) Registration or payment of any administrative fees of foreclosed real property pursuant to this Chapter and Georgia law is not required of transferees as described in subsection (b) of this section.
- (b) Any transferee who acquires any real property by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and:
 - (1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in subsection (b) of Section 3-__003;
 - (2) The deed is filed with the clerk of the superior court of Fulton County within 60 days of the transfer; and
 - (3) Proof of the following is provided to the office or the officer in charge of the city foreclosed real property registry:
 - (A) A filing date stamp or receipt showing payment of the applicable filing fees; and
 - (B) The entire deed under power of sale or entire deed in lieu of foreclosure.
- (a) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Chapter or to Georgia law shall also be required to update the information specified in subsection (b) of Section 3-__003 within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 3-5005. Removal from Registry.

- (a) Any owner or agent of a vacant or foreclosed real property may apply to the City of South Fulton Public Works Department to remove a vacant or foreclosed real property from the city registry at such time as the real property no longer constitutes a vacant or foreclosed real property.
- (b) Any application for removal allowed under subsection (a) of this section shall be granted or denied by the City of South Fulton Public Works Department within 30 days, and if no such determination is made within 30 days then the application for removal from the registry shall be deemed granted.

- (c) If the property was sold, a copy of the HUD-1 statement and Security Deed must be provided as proof. If the property is rented by a tenant, a copy of the lease signed by the landlord must be provided as proof.

Sec. 3-5006. Administrative Fees.

Any owner or agent of a vacant or foreclosed real property which is required to be registered with the city under this Chapter shall be required to make a payment for administrative fees that reasonably approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry in a non-refundable amount of \$100.00 per registration. This is a one time registration fee, with the exception of a change in ownership. The new owner will be responsible to re-register the property under their name if the property remains vacant.

Sec. 3-5007. Appeal Procedures.

- (a) Any owner or agent aggrieved of any determination or decision of the City of South Fulton Public Works Department or the city in the administration of this Charter may appeal to the municipal court of the city. All appeals hereunder must be taken within thirty (30) days of the decision in question by filing with the City of South Fulton a notice of appeal specifying the grounds thereof.
- (b) The City of South Fulton Public Works Department shall forthwith transmit to the notice of appeal and all the papers constituting the record upon which the action appealed was taken to the municipal court clerk who shall schedule an appeal hearing within sixty (60) days following the date the appealing party submits its completed written appeal with subsection (a) above.
- (c) The municipal court judge may call for further information to be provided within the next thirty (30) days following the hearing, and may continue the hearing for the purpose of receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the City of South Fulton Public Works Department certifies to the municipal court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the City of South Fulton, and on due cause shown.
- (e) The municipal court judge may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the City of South Fulton Public Works Department appealed from by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

Sec. 3-5008. Administration.

- (a) The foreclosure and vacant real property registry is subject to the Open Records Act of the State of Georgia and the city may make such registry information available online.
- (b) Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Chapter.

Sec. 3-5009. Nuisances.

Nothing in this Chapter shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 3-5010. Penalties.

Any owner or agent required to register a vacant or foreclosed real property under this Chapter who fails to register or fails to update the information of this Chapter, Registration of Vacant or Foreclosed Property, may be fined up to \$1,000.00 per occurrence.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance No. **2017-020**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-021

**ADOPTION OF FINANCIAL POLICY ORDINANCE AND AMENDMENT TO
EXISTING ORDINANCES NO. 2017-003 and 2017-007**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Sections 6.22 through 6.25 of the City Charter authorizes the City Council to enact budget ordinances and controls;

WHEREAS, Chapter 81 of Title 36 of the Official Code of Georgia Annotated mandates that municipal governments enact annual budgets and budget controls;

WHEREAS, the City Council seeks to amend Ordinance 2017-003 to provide additional ordinances governing the budget process;

WHEREAS, Ordinance No. 2017-007 established the City’s revenue policies;

WHEREAS, the City finds it to be in the public interest and for the protection of the public welfare to establish detailed financial policy through a set of ordinances:

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Repeal of Existing Budget Ordinance
Code Section 2-2005 is hereby repealed in its entirety.

Section 2: Enactment of Budget Ordinance

Chapter 8 of Title 1 of the Official Code of the City of South Fulton shall be entitled “Budget” and is hereby created as follows:

Sec. 1-8001 - Purpose

The purpose of this statement of financial policy of the City is to serve as a foundation for long and short term range planning, facilitate decision making, and provide direction to the City Council and operational staff for handling the City's day-to-day financial business. Because of the diverse nature of the City's departments, committees and blended component units, having written defined financial policies

minimizes the risk of developing conflicting or inconsistent goals and objectives which could have a negative impact on the overall financial condition of the City.

Sec. 1-8002 - Fiscal year and Budget Calendar.

- (a) The fiscal year for the City shall commence on October 1 and end on September 30 of each following year.
- (b) The City Manager shall submit to the Council at least six (6) weeks prior to the start of the municipal fiscal year a budget message and a budget report, accompanied by a draft of the recommended municipal appropriations ordinance, in a form and manner as may be prescribed by ordinance, which shall provide for the appropriation of the funds necessary to operate all the various departments, and to meet the current expenses of the City for the next fiscal year.

Sec. 1-8003 – Municipal Budget Policy.

- (a) The City Council shall annually appropriate by ordinance, the funds necessary to operate all the various agencies and departments, and to meet the current expenses of the City for the next fiscal year. The City Council shall comply with all state laws applicable to budget hearings, public notices, public inspection of budget documents, and budget adoption.
- (b) The City Council shall not appropriate funds for any given fiscal year, which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the City treasury at the beginning of the fiscal year, together with an amount not greater than the total municipal receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds as estimated in the budget report and amendments thereto.
- (c) All appropriated funds, except for the mandatory appropriations required by law and those required to meet contractual obligations or the continued appropriation and authorization of state or federal grants, remaining unexpended and not contractually obligated at the expiration of the municipal appropriations ordinance, shall lapse and return to the City's general fund.
- (d) All state or federal funds received by the city are hereby continually appropriated in the exact amounts and for the purposes authorized and directed by the state or federal government making the grant.
- (e) The adoption of an annual budget for the next fiscal year shall not in itself constitute specific approval for the expenditures identified therein which shall be subject to the requirements set forth in Section 6.24 of the City Charter.

(f) The appropriation for each department, office, bureau, board, commission, function or line item for which appropriation is made shall be for a specific amount of money and, except where required by state law or expressly by ordinance, no appropriation shall allocate to any object the proceeds of any particular tax or a part or percentage thereof.

(g) The City will finance all current expenditures with current revenues and will avoid budgetary procedures that balance current expenditures through the obligation of future resources. The city will avoid using short term financing to meet operating budget requirements.

(h) All budgets for governmental funds (general, special revenue and capital project) must be balanced. Budgets for proprietary funds (enterprises and internal service) will be prepared to establish fees and charges and to maintain managerial control.

(i) Department appropriations. In addition to the provisions set forth in this Chapter:

(1) The City budget shall be adopted at the legal level of control, which is the fund/department level, and no department may exceed its appropriated funds.

(2) Transfers of appropriations within a department shall require the approval of the City Financial Officer. Transfers of appropriations between departments for funds, an increase in personal services appropriation(s), or an increase in the level of authorized positions shall require approval of the City Council.

(3) Department directors and elected officials are directed to operate within budget limitations to prevent emergency situations.

(j) The City will maintain a budgetary accounting control system to ensure adherence to the adopted annual budget, and will prepare timely financial reports comparing actual revenues and expenditures with budgeted amounts.

(k) All budgets will be adopted on a basis of accounting consistent with generally accepted accounting principles (GAAP) as applicable to governments, including all relevant Government Accounting Standards Board (GASB).

Sec. 1-8004 – Budget Ordinances

(a) Each municipal appropriations ordinance, now in force or hereafter adopted with all amendments as are adopted from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall then expire except for

any mandatory appropriations required to meet contractual obligations or the continued appropriation and authorization of state or federal grants.

(b) The budget ordinance shall make appropriations in such sums as the City Council may deem sufficient, whether or not those sums are the same as those presented in the City Manager's proposed budget. The budget ordinance or resolution shall be adopted at a public meeting which shall be advertised in accordance with the procedures set forth in Chapter 81 of Title 36 of the Official Code of Georgia Annotated.

(c) The City Council may adopt supplementary appropriations as set forth in this ordinance.

(1) In addition to the appropriations made by the municipal appropriations ordinance and amendments thereto, the City Council may make additional appropriations by an affirmative vote in favor of an ordinance making such a change. Such ordinance shall be known as supplementary appropriations ordinances, provided no supplementary appropriation shall be made unless there is an unappropriated surplus in the City treasury or the revenue necessary to pay the appropriation has been collected into the general fund of the City treasury as provided by law.

(2) In no event shall a supplementary appropriations ordinance continue in force and effect beyond the expiration of the municipal appropriations ordinance in effect when the supplementary appropriations ordinance was adopted and approved.

Sec. 1-8005. – Municipal Fund Balance.

(a) The city shall maintain a prudent level of financial resources to protect against financial disruptions of City and to provide services in the case of temporary revenue shortfalls, unpredicted one-time expenditures, natural disasters or emergencies and to maintain sufficient working capital and cash flow to meet current financial needs at all times.

(b) The city's definition of fund balance for its governmental fund types will conform to generally accepted accounting principles (GAAP) as applicable to governments, including all relevant Government Accounting Standards Board (GASB). For the purposes of this Ordinance, and in accordance with GASB 54, the following terms shall be defined as follows:

(1) *Assigned* — financial resources whose use is restricted by management based on the intended use of those resources per the City Council of the City;

(2) *Committed* — financial resources whose use is restricted by action of the City Council which will remain binding unless removed in the same matter creating the restriction;

(3) *Nonspendable* — financial resources that will never convert to cash, that will not convert to cash soon enough to affect the current period, or that must be maintained intact pursuant to legal or contractual requirements;

(4) *Restricted* — financial resources that are subject to externally enforceable legal restrictions such as debt covenants, federal or state grant requirements, private donors/contributors, or other governmental entities;

(5) *Unassigned* — any residual net resources available after consideration of designation of nonspendable, restricted, committed or assigned fund balance.

(c) The City's general fund may maintain all five (5) components of fund balance.

(d) The lowest level of fund balance classification for the City's special revenue funds will be committed fund balance. Committed fund balance will be used first when paying expenses, unless the expense is for purchases which were listed as being used from restricted fund balance classification.

(e) The lowest level of fund balance classification for the City's capital project funds will be assigned fund balance for the funding of specific projects. An assigned fund balance will be spent first, unless the expenditure(s) is tied to a restricted fund balance amount. Once a project is completed, any fund balance remaining will be transferred back to the fund(s) which was the original funding source.

(f) Debt service funds will only classify fund balances as nonspendable or restricted. When debt expenses are paid, the City will use restricted fund balance first. All debt services funds will maintain a fund balance at a level to retire the debt. Once all debt is retired, or the fund balance is sufficient to retire all remaining debt, any remaining fund balance will be transferred to other City funds or projects as directed by the Governing Body.

(g) The City shall maintain as an ending unassigned fund balance for its general fund of at least two and one-half (2½) months of its prior fiscal year's actual amounts budgetary basis operating expenditures of its general fund as reflected in the City's most recent annual audit report's statement of "Budgetary Comparison Schedule - General Fund." In the event that governmental accounting standards change which eliminate the inclusion of the "Budgetary Comparison Schedule - General Fund", a statement of similar nature should be used in its place.

(1) If the general fund's unassigned fund balance fall below the minimum targeted level as defined in this policy, the City Council shall approve and adopt a plan to restore the general fund's unassigned fund balance to its target level within a twenty-four (24) month period. If due to severe financial hardship of the City, the general fund's unassigned fund balance cannot be restored within this period, the City Council shall establish a different time period.

(2) Any general fund's unassigned fund balances which exceed the minimum level established by this policy may be appropriated by the City Council for non-recurring capital projects, equipment or other operating uses.

(3) The City Council shall avoid the appropriation of general fund's unassigned fund balance for recurring operating or capital expenditures unless there is some extraordinary, non-recurring event which would require the appropriation in order to meet the needs of the citizenry or an emergency.

(h) The City shall classify its enterprise funds' net assets as Restricted, Unrestricted or Invested in Capital Assets. The City's Unrestricted Net Assets of all of its enterprise funds should be sufficient to cover operating expenses and infrastructure replacements. Unrestricted Net Assets will be spent first, unless the expense was for a restricted asset.

Sec. 1-8006. - Accounting and auditing policy.

(a) All funds of the City will be audited in compliance with O.C.G.A. §§ 36-81-7, and 36-81-20, and Generally Accepted Audit Standards as issued by Auditing Standards Board of the American Institute of Certified Public Accountants and Government Auditing Standards as issued by the Comptroller General of the United States of America.

(b) The City's annual financial report will be prepared in accordance with generally accepted accounting principles (GAAP) as issued by the Financial

Accounting Standards Board of the America Institute of Certified Public Accountants and with generally accepted governmental accounting principles as issued by the Governmental Accounting Standards Board.

(c) The City will maintain accurate records of all its assets to insure a high degree of stewardship for public property.

(d) The City shall maintain an ongoing system of financial reporting to meet the needs of the mayor and council, department directors, and the general public. The reporting system will provide for budgetary control, for monitoring of the cost of providing services, and for comparative analysis.

Sec. 1-8007. - Debt policy.

(a) As mandated by Article 9, Section 5, Paragraph 1 of the Constitution of the State of Georgia, the City's direct general obligation indebtedness not exceed ten percent (10%) of assessed value of all taxable property within the City's limits.

(b) The City shall confine long term indebtedness to capital improvements projects.

(c) The City will strive to not use short term debt for funding current operations.

(d) The City will use approved general obligation debt to fund general purpose public improvements which cannot be financed from current revenues, available general fund balances, or other current sources of capital financing.

(e) Long term financing of the city's enterprise funds will be used only when revenues of the debt issuing fund is sufficient to satisfy operating expenses and debt service requirements.

Sec. 1-8008. - Investment policy and cash management.

(a) The City will maintain a conservative program of investing all funds under the direction of the Mayor and the City Treasurer.

(b) The City investment program shall comply with all state and federal laws, rules and regulations for investing public funds and with safekeeping/security requirements.

(c) The City's investment program shall be operating based on these principles; provided, however, this section shall create no cause of action in any person:

(1) Safety — Principal is protected from loss with secure investment practices and collateralization.

(2) Liquidity — Investments are readily convertible to cash when needed without incurring principal losses.

(3) Return of investment — Earning yields are maximized without diminishing the above principal.

(d) The City shall ensure that all public funds are collateralized in accordance with state and federal law, thereby guaranteeing the safety of public deposits. The City will establish administrative procedures to maintain such pledged collateral and will utilize pooled collateral systems provided by the state and local depositories when possible.

(e) The City will periodically reevaluate its banking services and will initiate competitive negotiation and bidding processes, if deemed necessary. The process may include the development of an RFP requesting quotations for banking services, services fees and earning rates available. Selection of a bank for banking services will be based on receiving the most efficient and cost effective proposals.

Sec. 1-8009. - Monetary receipt policy.

(a) The policy of the City is that all liquid monetary assets are properly, completely and timely accounted for on a daily basis. It is the duty of the City's elected officials, management and employee to the citizens of the City to ensure that all monetary assets received by the City are recorded for occurrence and completeness, physically secured and controlled, deposited timely, and allocated to City's general ledger accounts in a timely and efficient manner. Liquid monetary assets are defined as cash, checks, credit cards payment, electronic payments, ACH (Automated Clearinghouse) or wires payments.

(b) The purpose of this policy is:

(1) To maximize the revenue accruing to the City through the investment of city funds and any trust funds to the extent allowed by law, ordinance, and contract.

(2) To minimize the clerical efforts required to handle, process, and account for all monies received.

(3) To maximize the accountability of monies received by the City.

(c) All monetary assets received by offices of the City, or any of its related entities, shall be deposited timely, meaning within two (2) working days, into the City's banking system(s).

(d) Department directors/supervisors are responsible for the safekeeping of monetary assets received by their departments and the prompt receipting into the City's cash management program, or the prompt transfer to the City Treasurer's office for receipting into the cash management program.

(e) All monetary assets received in a day will be deposited in the form in which they are received.

(f) Cash received shall not be used to pay any City bills, cash personal checks, or be used for any other type of transaction.

Section 3: Creation of Chapter 9 of Title 1: Purchasing, Contracting, and Disposition of Property.

Sec. 1-9001. - Contracting procedures.

(a) Other than contracts for employment, no contract with the City shall be binding on the City unless:

(1) It is in writing;

(2) It is drawn or submitted to and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(3) It is made or authorized by the mayor and council pursuant to lawfully enacted ordinances.

(b) The original of all contracts shall be maintained on file in the office of the city clerk.

Sec. 1-9002. - Purchasing procedures.

The City Council shall prescribe by ordinance the procedures for all purchases of real and personal property by the City. Prior to the making of purchases and contracts, the availability of adequate funds shall be certified as provided by ordinance.

Sec. 1-9003. - Sale and disposition of property.

The City Council shall prescribe by ordinance the procedures for all sales and other disposition of real and personal property by the City.

Section 4: Creation of Chapter 10 of Title 1: Fund Balance Policy

Sec. 1-100001. – Purpose.

This policy is created in consideration of unanticipated events that could adversely affect the financial condition of the City and jeopardize the continuation of necessary public services in order to address the implications of the Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions.

This policy will ensure that the city maintains adequate fund balances and reserves in order to:

- (1) Provide sufficient cash flow for daily financial needs;
- (2) Secure and maintain investment grade bond ratings;
- (3) Offset significant economic downturns or revenue shortfalls; and
- (4) Provide funds for unforeseen expenditures related to emergencies.

This policy and the procedures promulgated under it supersede all previous regulations regarding the City's fund balance and reserve policies.

Sec. 1-100002. – Fund type definitions.

The following definitions will be used in reporting activity in governmental funds across the city. The City may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The *general fund* is used to account for all financial resources accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt services or capital projects.

Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

Capital project funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

Permanent funds are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the city's purposes.

Sec. 1-100003. – Fund balance reporting in governmental funds.

Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

- 1) *Nonspendable fund balance* —Includes amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be

maintained intact. Nonspendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- a) The City will maintain a fund balance equal to the balance of any long-term outstanding balances due from others (including other funds of the city)
 - b) The City will maintain a fund balance equal to the value of inventory balances and prepaid items (to the extent that such balances are not offset with liabilities and actually result in fund balance)
 - c) The City will maintain a fund balance equal to the corpus (principal) of any permanent funds that are legally or contractually required to be maintained intact.
 - d) The City will maintain a fund balance equal to the balance of any land or other non-financial assets held for sale.
- 2) *Restricted fund balance* —Includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.
- 3) *Committed fund balance* —Includes amounts that can be used only for the specific purposes determined by a formal action of the city council. Commitments will only be used for specific purposes pursuant to a formal action of the City Council. A majority vote is required to approve or remove a commitment.
- 4) *Assigned fund balance* —Includes amounts intended to be used by the City for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. The City Council delegates the City Financial Officer the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.
- 5) *Unassigned fund balance* —Includes the residual classification for the city's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

Sec. 1-100004. – Operational Guidelines.

The following guidelines address the classification and use of fund balance in governmental funds:

- 1) *Classifying fund balance amounts.* Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual

governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

- 2) *Encumbrance reporting.* Encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.
- 3) *Prioritization of fund balance use.* When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the City to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the city that the committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.
- 4) *Minimum unassigned fund balance.* The city will maintain a minimum unassigned fund balance in its general fund of 16 percent of the subsequent year's budgeted expenditures. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.
- 5) *Replenishing deficiencies.* When fund balance falls below the minimum 16 percent, the city will replenish shortages/deficiencies using the budget strategies and timeframes described below.
 - The city will reduce recurring expenditures to eliminate any structural deficit; or
 - The city will increase revenues or pursue other fund sources; or
 - A combination of the two options above.

Minimum fund balance deficiencies shall be replenished within the following time periods:

- A deficiency resulting in a minimum fund balance between 16 percent and 11 percent of the subsequent year's budgeted expenditures shall be replenished over a period not to exceed one year.
 - A deficiency resulting in a minimum fund balance between 11 percent and six percent of the subsequent year's budgeted expenditures shall be replenished over a period not to exceed three years.
- (5) *Surplus fund balance.* Fund balance will be considered a surplus if over 21 percent of the subsequent year's budgeted expenditures. Should unassigned fund balance of the general fund ever exceed 20 percent, the city will consider

such fund balance surpluses for one-time expenditures that are nonrecurring in nature.

Sec. 1-100005. – Implementation and review.

Upon adoption of this policy the City Council authorizes the finance department to establish any standards and procedures which may be necessary for its implementation. When the need arises, the finance department shall make any necessary recommendation to the city council for changes to this policy.

Section 5: Amendment to Title 2, Revenue

Amending Title 2, Chapter 1 by adding the following:

Sec. 2-1001. - Revenue administration policy.

(a) The City will strive to maintain a diversified and stable revenue stream to protect against short term fluctuations in any single revenue source.

(b) The City will estimate its revenues by an objective analytical process in a prudent manner.

(c) The City will follow a policy of paying for services with user charges where practical to reduce the reliance on taxes and other general revenue sources.

(d) The City will seek public and private grants, contracts and other outside sources of revenues for funding projects where appropriate.

(e) The City will establish the levels of all user charges based on an analysis of the cost of providing the service(s). User charges will be evaluated periodically.

(f) The City shall set fees for each enterprise and internal service fund at a level that fully supports the total direct and indirect cost of the fund. The City shall not set user fees for its enterprise funds which results in extra income to be used to subsidize the services of any governmental fund.

The foregoing ordinance No. **2017-021** adopted on _____, was offered on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-022

ADOPTION OF DEBT POLICY ORDINANCE

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Sections 6.22 through 6.25 of the City Charter authorizes the City Council to enact budget ordinances and controls;

WHEREAS, Chapter 81 of Title 36 of the Official Code of Georgia Annotated mandates that municipal governments enact annual budgets and budget controls;

WHEREAS, the City finds it to be in the public interest and for the protection of the public welfare to establish detailed financial policy through a set of ordinances:

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: Enactment of Debt Policy Ordinance

Chapter 11 of Title 1 of the Official Code of the City of South Fulton shall be entitled “Debt Policy” and is hereby created as follows:

Sec. 1-110001 - Introduction

City of South Fulton recognizes that one of the keys to sound financial management is a debt policy. These benefits are recognized by bond rating agencies and the development of a debt policy is a recommended practice by the Government Finance Officers Association. A debt policy establishes the parameters for issuing and managing debt. It provides guidelines regarding the timing and purposes for which debt may be issued, presents the types of permissible debt, and the methods of sale that may be used. The debt policy should recognize an obligation to fully and timely repay all debt as an essential requirement for entry into the capital markets. Adherence to a debt policy helps to ensure that a government maintains a sound financial position and that credit quality is protected.

The debt policy is to be used in conjunction with the operating and capital budgets, the Capital Improvement Program (CIP), and other financial policies. The advantages of a debt policy are:

- enhancing the quality of decisions;
- documenting the decision-making process;
- identifying objectives for staff to implement;
- demonstrating a commitment to long-term financial planning objectives; and
- being viewed positively by the bond rating agencies.

Sec. 1-110002 - Debt Instruments

General obligation bonds are bonds secured by a promise to levy taxes in an amount necessary to pay debt service, principal and interest, coming due each fiscal year. General obligations bonds are backed by the full faith and credit of the City. These bonds are authorized by a referendum or by non-voted (2/3's) authorization by the governing body. The non-voted authorization allows governments to issue up to two-thirds of the previous year's net debt reduction without a referendum.

Revenue bonds are a pledge of the revenues generated by the debt financed asset or by the operating system of which that asset is a part.

Special obligation bonds are bonds that are payable from the pledge of revenues other than locally levied taxes. Examples include the beer and wine tax or enterprise revenues.

Certificates of Participation (COPs) are an alternative financing method that does not require voter approval. These certificates represent an undivided interest in the payments made by a public agency pursuant to a financing lease or an installment purchase agreement. The security for this financing is represented by a lien on the property acquired or constructed. The City uses COPs for City facilities.

An Installment Purchase Contract is an agreement in which the equipment or property is acquired and periodic payments, which are sufficient to pay debt service, are made.

Sec. 1-110002 - City Debt Policy

- (a) Long-term debt shall not be used to finance ongoing operational expenses.
- (b) Any debt issued shall not have a maturity date beyond the useful life of the asset being acquired or constructed by the debt proceeds.
- (c) The City shall establish an affordable debt level to preserve credit quality and ensure sufficient revenue is available to pay annual debt service. This

will be balanced against the City's need to maintain its infrastructure and manage growth.

- i. The City will use appropriate debt instruments to provide funding for capital assets at the lowest cost with minimal risk. The City will monitor its debt positions to maintain the lowest effective cost.
- ii. The City will, at all times, manage its debt and sustain its strong financial position, including healthy reserves, to seek and maintain the highest credit rating possible.
- iii. The City shall utilize pay-as-you go and other alternative sources of funding for capital projects to minimize debt levels. To have an effective pay-as-you-go program, at least one funding source must be identified that is consistent, reliable, and large enough to provide for capital needs in an amount that reduces dependency on debt.

Sec. 1-110003 - Purposes for Debt Issuance

The City may issue debt for the purpose of acquiring or constructing capital assets including land, buildings, machinery, equipment, furniture and fixtures. When feasible, debt issuance will be pooled together to minimize issuance expense. Annually, the City will prepare and adopt a Capital Improvement Program (CIP) to identify and establish an orderly plan to meet the City's infrastructure needs. The CIP will also identify all debt-funded projects and the related debt service impact.

Sec. 1-110004 - Debt Structure

Debt will be paid off in a timeframe that is less than or meets the useful life of the asset or project acquired through the financing. The life of the debt, interest mode and principal maturity schedule make up the structure of the debt. This debt could be general obligation, revenue or special obligation bonds, certificates of participation or other installment financing agreements.

The City will consider various financing techniques including fixed or variable interest rate debt and interest rate swap agreements in order to minimize the interest costs over the life of the issue. The use of these techniques will be evaluated based on market conditions and the maximum benefit to the City while minimizing the City's risk. The City will limit the ratio of unhedged variable rate debt to 35% of the total outstanding debt.

Sec. 1-110005 - Debt Ratios

The City shall abide by the following debt ratios:

- (a) Overall Debt as a Percentage of Assessed Valuation

This ratio measures debt levels against the property tax base which generates the tax revenues that are the main source of debt repayment. The ceiling for this ratio is 4.0%.

(b) Overall Debt per Capita

This ratio measures the burden of debt placed on the size of the population supporting the debt and is widely used by rating analysts as a measure of an issuers' ability to repay debt. This measure will not exceed \$2,200.

(c) General Debt Service as a percentage of Operational Expenditures

This ratio reflects the City's budgetary flexibility to adapt spending levels and respond to economic condition changes. This ratio is targeted at a level of 12% with a ceiling of 14%. The City's policy is to manage to the target of 12%. The ceiling of 14% is meant to provide flexibility in extraordinary circumstances.

(d) Ten year Payout Ratio

This ratio reflects the amortization of the City's outstanding debt. A faster payout is considered to be a positive credit attribute. The City will maintain a floor for its ten-year payout of 64.0%.

These ratios will be calculated and reported each year in conjunction with the capital budget process, the annual financial audit and as needed for fiscal analysis.

Sec. 1-110006 - Debt Management Policies

- (a) The City will issue debt only for the purposes of constructing or acquiring capital assets and for making major renovations to existing capital assets.
- (b) The City shall not construct or acquire a public facility if it is unable to adequately provide for the subsequent annual operation and maintenance costs of the facility.
- (c) The City will ensure that adequate systems of internal control exist so as to provide reasonable assurance as to compliance with applicable laws, regulations, and covenants associated with outstanding debt.
- (d) The City will manage debt issuance to comply with the adopted debt limits and will evaluate those limits at least every five years.
- (e) The City will attempt to structure debt in the best and most appropriate manner consistent with the financial policies of the City in order to level principal repayment and minimize interest expense.

- (f) The City will monitor its outstanding debt in relation to existing conditions in the debt market and will refund any outstanding debt when sufficient cost savings can be realized or utilize interest rate swap agreements to achieve cost savings.
- (g) To reduce the impact of capital programs on future years, the City will fund a portion of its CIP on a pay-as-you-go basis by:
- appropriating a minimum of three cents on the property tax rate for capital projects;
 - appropriating 50% of the excess fund balance for capital projects; and
 - appropriating proceeds from all City sales for capital projects.
- Pay-as-you-go funding will save money by eliminating interest expense on the funded projects. Pay-as-you-go capital appropriations improve financial flexibility in the event of sudden revenue shortfalls or emergency spending.

Sec. 1-110007 - Administration and Implementation

The City Manager and the Chief Financial Officer are responsible for the administration and issuance of debt including the completion of specific tasks and responsibilities included in this policy. The City will evaluate the debt policy at least every five years.

Sec. 1-110008 - Capital Planning and Debt Determination

The Citizens Capital Budget Advisory Committee (CCBAC) appointed by the City Council, reviews departments' and other agencies' capital requests and recommends capital projects based on needs. The City Manager provides a recommended Capital Improvement Program (CIP) for consideration by the City Council. The City Council then approves both a five-year needs assessment and an annual capital budget. The City Council adopts capital projects ordinances which provide budgetary authority.

Funding of the capital budget will be determined in conjunction with the approval of the CIP by the City Council. Available pay-as-you-go funding and debt issuance will be allocated to fund the CIP based on the debt management policy. Debt financing will also be considered for equipment items that normally do not go through the CCBAC, but are included in departmental requests.

All voted authorizations for those purposes authorized by the Local Government Bond Act will be scheduled for referendum in November at the time of the general election. When possible, the City will utilize the non-voted (two-thirds) bond authorization for bonds to fund projects, such as government facilities.

The City uses a combination of bonds and Certificates of Participation (COPS) to finance capital assets. COPs do not require voter approval but do require collateral as security. COPs are usually used to finance projects deemed essential by the governing body and timing is such that it is impractical to seek voter approval.

Any capital item that has not been included in either of the above two processes, but because of its critical or emergency nature where timing was not anticipated in the CIP or budgetary process, or is mandated immediately by either State or Federal requirements, will be considered for financing by installment purchase contract.

Sec. 1-110009 - Issuance of Debt

The scheduling and amount of bond sales and installment purchase transactions will be recommended by the Chief Financial Officer and the City Manager. The City Council must approve the sale. These decisions will be based upon the identified cash flow requirements for each project to be financed, market conditions, and other relevant factors including the debt ratios. If the cash requirements for capital projects are minimal in any given year, the City may choose not to issue debt. Instead, the City may fund up-front project costs and reimburse these costs when financing is arranged. In these situations the City will adopt a reimbursement resolution prior to the expenditure of project funds.

Variable rate bonds, revenue and special obligation bonds and COPs will be sold on a negotiated basis with the underwriter selection determined through a competitive process. Underwriters will be selected for each issue based on the particular experience and expertise necessary for that issue.

Debt service for each issue will be structured in an attempt to level out the City's total debt service payments over the life of the debt portfolio. This structuring also assists in minimizing the interest payments over the life of the issue. Structuring must take into consideration current market conditions and practices in the municipal finance market.

Sec. 1-110010 - Legality

The City must receive an opinion acceptable to the market from a nationally recognized law firm that each financing transaction complies with applicable law and all agreements in connection with any financing are legal, valid and binding obligations of the City.

Sec. 1-110011 - Interest Rate Exchange Agreements

Interest Rate Exchange Agreement shall mean a written contract entered into in connection with the issuance of City debt or in connection with City debt already outstanding with a counterparty to provide for an exchange of payments

based upon fixed and/or variable interest rates. The City will govern the use of Interest Rate Exchange Agreements by the policy described in Attachment I to this debt management policy.

Sec. 1-110012 -Continuing Disclosure

The City will provide on-going disclosure information to established national information repositories and maintain compliance with disclosure standards promulgated by state and national regulatory agencies. The City will maintain good communications with bond rating agencies to inform them about the City's financial position by providing them the City's Comprehensive Annual Financial Report (CAFR) and operating and capital improvements Budget.

Sec. 1-110013 -Arbitrage Rebate Reporting

The City will comply with all arbitrage rebate requirements as established by the Internal Revenue Service and all disclosure requirements established by the Securities and Exchange Commission. This effort includes tracking investment earnings on bond proceeds, calculating rebate payments in compliance with the tax law and remitting rebatable earnings to the federal government in a timely manner in order to preserve the tax exempt status of the City's outstanding debt issues.

The foregoing ordinance No. **2017-022** was adopted on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

Attachment I

City of South Fulton

Interest Rate Exchange Agreement Policy

This policy will govern the use by City of South Fulton (the “City”) of Interest Rate Exchange Agreements. “Interest Rate Exchange Agreement” shall mean a written contract entered into in connection with the issuance of City debt or in connection with City debt already outstanding with a counterparty to provide for an exchange of payments based upon fixed and/or variable interest rates. The failure by the City to comply with any provision of this policy will not invalidate or impair any Interest Rate Exchange Agreement.

The Conditions under Which Interest Rate Exchange Agreements May Be Entered Into

Purposes

Interest Rate Exchange Agreements may be used for the following purposes only to:

1. achieve significant savings as compared to a product available in the bond market if the use of derivatives helps to achieve diversification of a particular bond offering;
2. enhance investment returns within prudent risk guidelines;
3. prudently hedge risk in the context of a particular financing or the overall asset/liability management of the City;
4. incur variable rate exposure within prudent guidelines;
5. achieve more flexibility in meeting overall financial objectives than available in conventional markets; and
6. accomplish a financial objective not otherwise obtainable using traditional financing methods.

Legality

The City must receive an opinion acceptable to the market from a nationally recognized law firm that the Interest Rate Exchange Agreement is a legal, valid and binding obligation of the City and entering into the transaction complies with applicable law.

Speculation

Interest Rate Exchange Agreements shall not be used for speculative purposes. Associated risks will be prudent risks that are appropriate for the City to take.

Methods by Which Such Contracts Shall be Solicited and Procured

In general, the City should procure Interest Rate Exchange Agreements by competitive bidding. The City shall determine which parties it will allow to participate in a competitive transaction. The City has the right to accept matching bids to diversify counterparty risk or reward firms for ideas and work performed. The parameters for the bid must be disclosed in writing to all potential bidders.

Notwithstanding the above, the City may procure Interest Rate Exchange Agreements by negotiated methods when the City makes a determination that, due to the size or complexity of a particular swap, a negotiated transaction would result in the most favorable pricing and terms or innovation.

To facilitate the procurement of Interest Rate Exchange Agreements, the City will engage an independent financial advisory firm to assist in the price negotiations, in the development of terms and in risk assessment. The City shall obtain an independent opinion that the terms and conditions of the Interest Rate Exchange Agreement reflect a fair market value of such agreement as of the date of its execution.

Form and Content of Interest Rate Exchange Agreements

To the extent possible, the Interest Rate Exchange Agreements entered into by the City shall contain the terms and conditions set forth in the International Swap and Derivatives Association, Inc. ("ISDA") Master Agreement, including any schedules and confirmation. The schedule should be modified to reflect specific legal requirements and business terms desired by the City.

The City shall consider including provisions that permit the City to assign its rights and obligations under the Interest Rate Exchange Agreement and to optionally terminate the agreement at its market value at any time. In general, the counterparty shall not have the right to optionally terminate an agreement.

Events of Default

Events of default of a counterparty shall include the following:

1. failure to make payments when due;
2. material breach of representations and warranties;
3. illegality;
4. failure to comply with downgrade provisions; and/or

5. failure to comply with any other provisions of the agreement after a specified notice period.

The City will have the right to terminate the agreement upon an event of default by the counterparty. Upon such termination, the counterparty will be the “defaulting party” for purposes of calculating the termination payment owed.

Aspects of Risk Exposure Associated with Such Contracts

Before entering into an Interest Rate Exchange Agreement, the City shall evaluate all the risks inherent in the transaction. These risks to be evaluated could include:

- a. counterparty risk – the risk of a payment default on a swap by an issuer’s counterparty;
- b. termination risk – the risk that a swap has a negative value and the issuer owes a breakage fee if the contract has to be terminated;
- c. rollover risk – the risk of a failed remarketing or auction with respect to any variable rate bonds associated with a swap; or the risk that an issuer cannot secure a cost-effective renewal of a letter or line of credit;
- d. basis risk - the risk that floating rate cash flow streams may diverge from each other;
- e. tax event risk – the risk that the spread between taxable and tax-exempt rates will change as a result of changes in income tax laws or other conditions; and
- f. amortization risk – the risk that the amortization of the swap will not be fully integrated with the amortization of the underlying bonds.

The City shall endeavor to diversify its exposure to counterparties. To that end, before entering into a transaction, it should determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect the exposure. The exposure should not be measured solely in terms of notional amount, but also how changes in interest rates would affect the City’s “Value at Risk” exposure for outstanding agreements.

Counterparty Selection Criteria

The City may enter into an Interest Rate Exchange Agreement if the counterparty has at least two long term unsecured credit ratings in the double A category from Fitch, Moody’s, or S&P and the counterparty has demonstrated experience in successfully executing Interest Rate Exchange Agreements. If after entering into an agreement the ratings of the counterparty are downgraded below the ratings required, then the agreement shall be subject to termination unless (a) the counterparty provides either a substitute guarantor or assigns the agreement, in

either case, to a party meeting the rating criteria reasonably acceptable to the City or (b) the counterparty (or guarantor) collateralizes the Interest Rate Exchange Agreement in accordance with the criteria set forth in this Policy and the Interest Rate Exchange Agreement.

Provisions for Collateralization

Should the rating of the counterparty, or if secured, the entity unconditionally guaranteeing its payment obligations not satisfy the requirements of the Counterparty Selection Criteria, then the obligations of the counterparty shall be fully and continuously collateralized by (a) direct obligations of, or obligations the principal and interest on which are guaranteed by, the United States of America or (b) direct obligations of U.S. Agencies and such collateral shall be deposited with the City or an agent thereof. The specific collateral requirements for each Interest Rate Agreement shall be set forth in the corresponding swap documentation.

Long-Term Implications

In evaluating a particular transaction involving the use of Interest Rate Exchange Agreements, the City shall review long-term implications associated with entering into Interest Rate Exchange Agreements, including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, opportunities to refund related debt obligations and other similar considerations.

Methods to be used to Reflect Such Contracts in the City's Financial Statements

The City shall reflect the use of Interest Rate Exchange Agreements on its financial statements in accordance with generally accepted accounting principles.

Monitoring

The City shall monitor the performance of Interest Rate Exchange Agreements and may employ a financial advisor to assist in evaluating the effectiveness of its Agreements. A written report, provided at a minimum quarterly, shall include at least:

1. preparing a description of each contract, including a summary of its terms and conditions, the notional amount, rates, maturity and other provisions thereof;
2. determining any amounts which were required to be paid and received, and that the amounts were paid and received;
3. determining that each counterparty is in compliance with its rating requirements;

4. determining that each counterparty is in compliance with the downgrade provisions, if applicable (See Counterparty Selection Criteria);
5. assessing the counterparty risk, termination risk, basis risk and other risks, which shall include the marked to market value for each counterparty and relative exposure compared to other counterparties and a calculation of the City's Value at Risk for each counterparty; and
6. determining, at least quarterly, that all posted collateral, if required, has a net market value of at least the collateral in the Interest Rate Agreement.



DIVIDER SHEET



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five (5) business days following the adoption of such ordinance, resolution or other action by the city council. The mayor shall have the right to veto any ordinance adopted by the city council, in accordance with the procedure set forth in Section 3.21 of the City Charter.

(b) The mayor, within ten (10) business days following receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If the ordinance is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and its receipt from the mayor.

(c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. The city council may override a veto by the mayor and adopt any ordinance that has been vetoed by the mayor by the affirmative votes of a least five (5) councilmembers, not including the mayor.

(d) In addition, the mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The disapproved or reduce part or parts of any such ordinance or resolution shall be presented to the city council as though disapproved and shall not become law unless overridden by the city council as set forth in subsection (c) of this section.

Date of Adoption: 8/08/2017 **Item Number:** Res2017-039

Subject: Parity of Pay Among Mayor & Council Staff

Reason for Veto: See attached

Date to Mayor: August 9, 2017 **Date of Veto:** August 9, 2017
Mayor's Signature: [Signature]

Date Received by City Clerk: 8/9/2017
Date to Councilmembers: 8/10/2017

Resolution 2017-039 seeks to compensate seven part-time administrative assistants for each City of South Fulton council member at an annual salary of \$40,871.00/each.

Resolution 2017-39 will needlessly impact the city's bottom line. As Mayor, it is my responsibility to be fiscally accountable for the City's budget. It will be a daunting task to justify why a part-time city council aide will make \$1,334.88 more than a Firefighter I.

There are several day-to-day operating full-time positions that need immediate attention; that can be satisfied with the suggested salary for the council aides; i.e., the starting pay for a full-time Police Officer is \$41,512.92/annually.

Comparing the roles and responsibilities outlined for the council aides, the position equates to that of an administrative tech and the approved pay and class is a grade 10, not making more than \$15/hour. This also includes the recommendation for utilizing student interns in the field of Public Administration and Public Policy at no-cost or not more than \$15/hour.

The City is in its infancy; therefore, we must be sensible in our decisions. There are several cost-effective alternatives that can be implemented to meet the needs of the city council members without having an adverse impact on the city's budget.

RECEIVED
AUG 09 2017
City of South Fulton



MAYOR'S SIGNATURE PAGE

The mayor, within ten (10) business days following receipt of a Resolution, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If a Resolution has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return a Resolution to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt.

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: 8/8/2017 **Item Number:** Res2017-039

Subject: Parity of Pay Among Mayor & Council Staff (ADD-ON)

Date Received by Mayor: 8/9/2017

☐ APPROVED

☒ DISAPPROVED

Mayor's Signature: 
WILLIAM "BILL" EDWARDS

Date to City Clerk: 8/9/2017

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION No. 2017-039

A RESOLUTION FOR PARITY OF PAY AMONG MAYOR & COUNCIL STAFF

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Section 1.12 of the City Charter authorizes the City Council to create offices for carrying out all the powers conferred upon them;

WHEREAS, Section 4.15 of the City Charter authorizes the City Council to establish personnel policies and procedures;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. Each City Councilmember shall have a Part-Time Aide.
3. Part-Time Council Aides shall be paid an hourly rate not less than seventy-five (75) percent of the hourly rate of Mayor's full-time Assistant.
4. The City Manager is instructed to find monies in the FY 2017 budget to fund these positions by Friday, August 11, 2017.
5. Effective Date: This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-039** adopted on **August 8, 2017**, was offered by Councilmember **khalid**, who moved its approval. The motion was seconded by Councilmember **Baker**, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____/____
Carmalitha Lizandra Gumbs	_____	_____/____
Helen Zenobia Willis	_____	_____/____
Gertrude Naeema Gilyard	_____/____	_____
Rosie Jackson	_____/____	_____
khalid kamau	_____/____	_____
Mark Baker	_____/____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



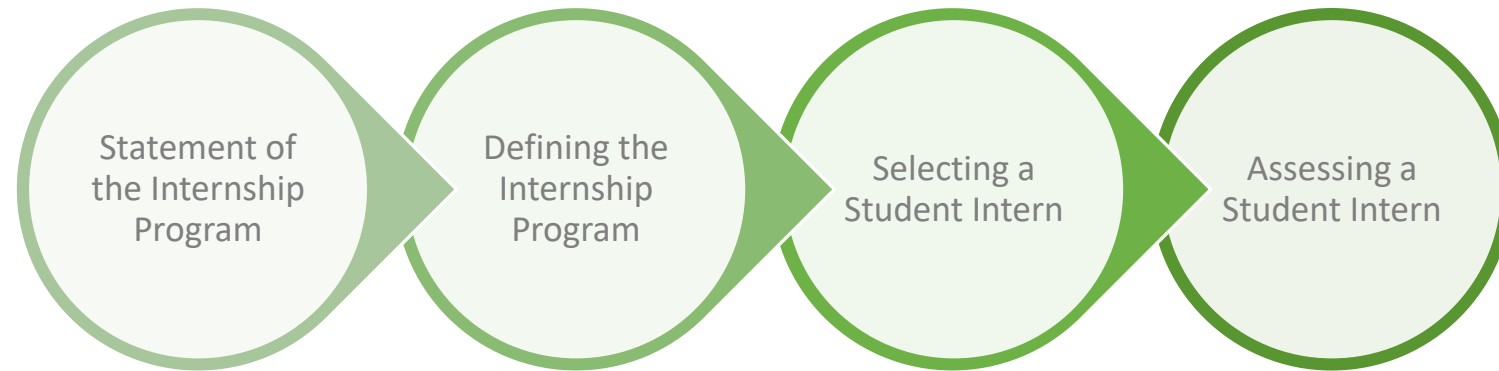
DIVIDER SHEET

City of South Fulton Proposed Internship Program

HUMAN RESOURCES DEPARTMENT

AUGUST 22, 2017

STUDENT INTERNSHIP PROGRAM



STUDENT INTERNSHIP PROGRAM



- The City of South Fulton Internship Program supports internships with the City that provide growth and learning opportunities for full-time college and university students (undergraduate and graduate students).
- Internships are educational opportunities for student interns and may be paid or unpaid.
- Internships with the City will be carefully crafted, developed, and monitored to ensure that a student intern's work does not result in the displacement of City employees, prevent existing contracts for service, or fill a vacant position. Student interns are not, and cannot be used as, a supplemental workforce.
- The qualifications for participation in an internship will be determined by the applicable Department, but at a minimum must include current, active enrollment as a full-time student at an accredited college or university as a required qualification.

STUDENT INTERNSHIP PROGRAM



- Internships under the City of South Fulton Internship Program should enable the student to learn through a predetermined project closely related to their academic major that enhances their knowledge, skills and abilities.
- Learning objectives will be developed as a Department considers an internship opportunity. Human Resources will work with Departments to coordinate with accredited colleges and universities in crafting their internship opportunity.
- Internship opportunities must correspond as closely as possible to the student intern's academic calendar, and should be for the appropriate amount of time necessary to provide the student intern with beneficial learning.

STUDENT INTERNSHIP PROGRAM



- After establishing the criteria for the internship opportunity, the Human Resources Department will recruit students from accredited colleges and universities.
- Student candidates who satisfy the minimum qualifications will be forwarded to the applicable Department.
- Departments will utilize the City's normal selection methods to choose the student intern.
- Before starting an internship opportunity, a potential student intern must sign a City acknowledgement form stating that s/he (1) understands that the internship is paid or unpaid and if unpaid the student has no expectation of compensation for his or her participation in the internship, and (2) understands that his or her participation in the internship does not entitle the student intern to full-time employment with the City at the conclusion of the internship.

STUDENT INTERNSHIP PROGRAM



- After engaging a student intern, Department sponsors must regularly review the duties performed by the student interns to ensure that they are meeting their learning objectives.
- Each student intern must be assigned a supervisor/mentor who monitors the student intern on a daily basis and provides guidance and instruction throughout his or her completion of the internship project.
- It is recommended that the student intern provide a presentation or complete a final project at the end of the internship (or at appropriate intervals) to demonstrate how the learning objectives were met.
- Supervisors/mentors should complete comprehensive evaluations of the student at conclusion of the internship.

STUDENT INTERNSHIP PROGRAM BEST PRACTICES



Interns should be assigned work related to their major which is challenging, recognized by the organization as valuable, and that covers the entire work term.



An orientation session for managers and mentors as well as a session for students should be conducted. Orientations ensure that everyone starts with the same expectations and role definitions.



A handbook serves as a guide for students, answering frequently asked questions and communicating the “rules” in a warm and welcoming way



Setting up a venue for interns to do presentations not only allows them to demonstrate their achievements, but also showcases the internship program to all employees.



Conducting exit interviews is an excellent way to gather feedback on the student’s experience and to assess their interest in coming back



DIVIDER SHEET

City of South Fulton Merit Review and Comparison

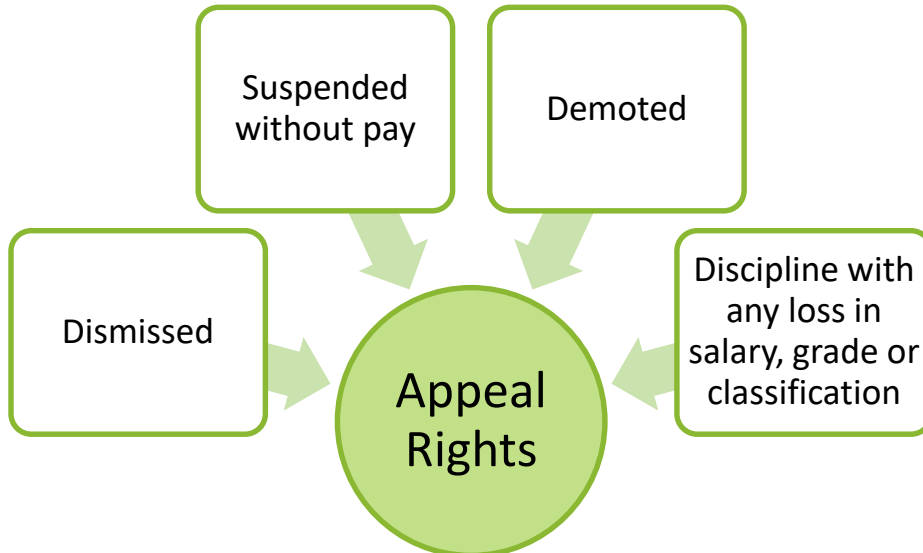
HUMAN RESOURCES DEPARTMENT

AUGUST 22, 2017

Fulton County Code of Ordinance

Civil Service Act

- The Civil Service Act and/or Merit System entitles any permanent employee in the **Classified Service** to certain rights when they are dismissed, suspended without pay, demoted or otherwise disciplined whereby the employee suffers any loss in salary, grade or classification.



Fulton County Code of Ordinance

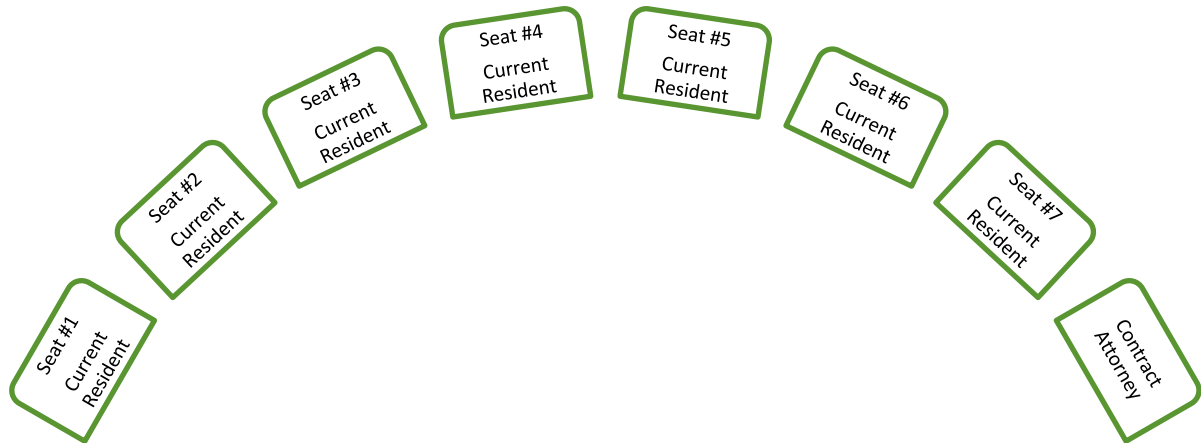
Civil Service Act

- **Classified Employee:** “Emergency Medical Professional, Firefighter, or Peace Officer.” The classified service applies to employees who have successfully completed their defined probationary period.
- Employees are disciplined “for cause.” The term “cause” means any justifiable, non-arbitrary grounds, good and sufficient reason(s), occasion, motive, or inducement which is offered as the basis for a disciplinary or adverse action against an employee.
- Any permanent classified employee who is dismissed, suspended, demoted or otherwise disciplined for cause, whereby such employee suffers any loss in salary, grade or classification, shall have the right to appeal such action to the personnel board.

Fulton County Code of Ordinance

Personnel Board

- As written in the ordinance, the Fulton County Personnel Board consists of a three member panel comprised of current residents of Fulton County.
 - The active Fulton County Personnel Board has a seven member panel nominated by the Board of Commissioners and also includes a contract attorney.



Fulton County Code of Ordinance

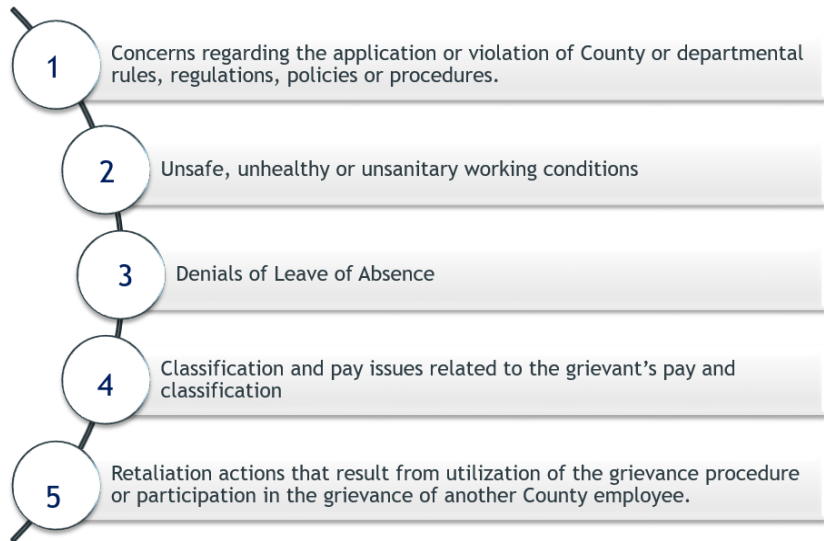
Personnel Board

- Members of the Personnel Board are paid at a rate established and approved by the Fulton County Board of Commission.
- Adequate annual budget appropriations are made to sustain the functionality of the Board.
- The Board shall hear the appeals of permanent classified employees who allege to have been dismissed, suspended, demoted or otherwise disciplined for cause, whereby such employee suffers any loss in salary, grade or classification and the appellant alleges that the disciplinary action taken was prohibited by applicable law (etc.).
- The Board has the authority to affirm or reverse the action of the Appointing Authority on the basis of the rules and standards of the Personnel Regulations.

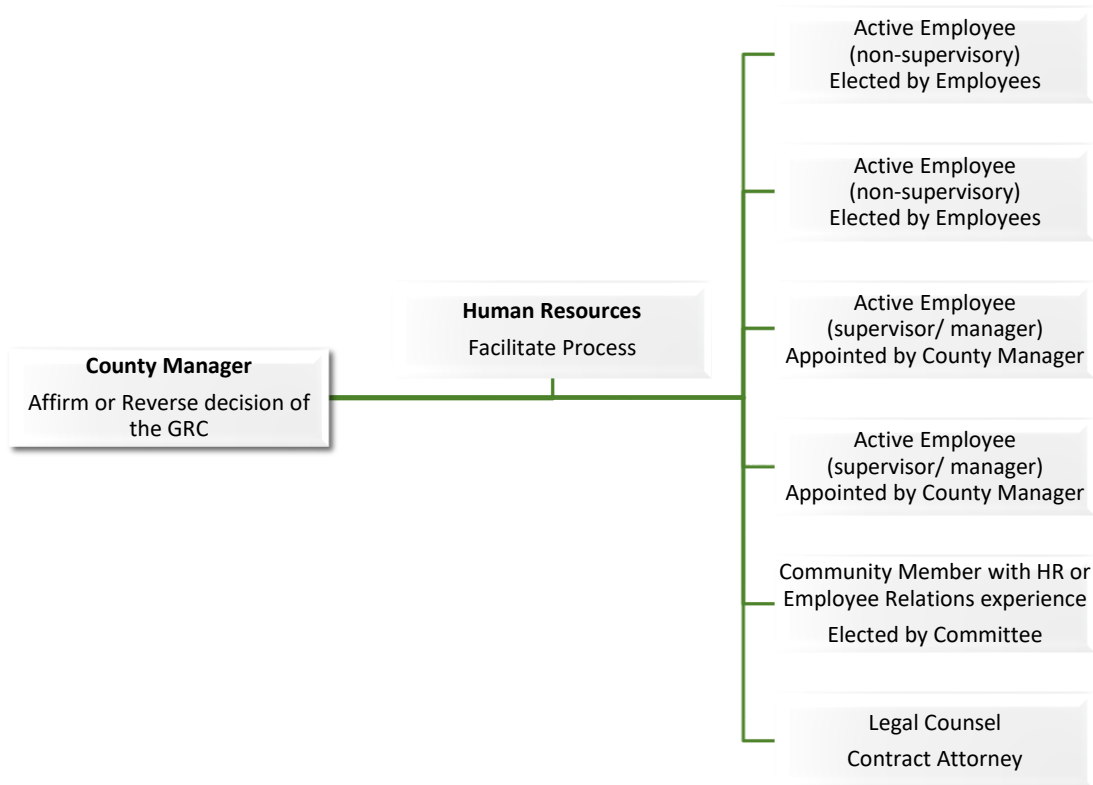
Fulton County Grievance Policy

Established to provide a formal, structured process through which an employee may voice complaints concerning work-related issues and seek administrative redress for alleged violations, misinterpretations or inequitable applications of Fulton County policies, rules, and standards of conduct.

FIVE CATEGORIES OF GRIEVANCES



Fulton County Grievance Review Committee (GRC)



Employee Rights

Nationwide

- Employees covered by the National Labor Relations Act are afforded rights to join together to improve their wages and working conditions, with or without a union.
- Employees have the right to attempt to form a union where none currently exists, or to decertify a union that has lost the support of employees.
- Examples of employee rights include:
 - Forming, or attempting to form, a union in your workplace;
 - Joining a union whether the union is recognized by your employer or not;
 - Assisting a union in organizing your fellow employees;
 - Refusing to do any or all of these things.
 - To be fairly represented by a union
- **No need for the City to Adopt a position. HR will work with employees as they choose to be represented as required by law.**

Comparisons

Fulton County

- Only Medical Professionals, firefighters and police are covered under the merit system all others are (unless grandfathered)
- Employees have the option under the law to seek representation
- 2 boards (Grievance and Appeal) elections by employees and appointments by Commissioners
- Last Appeal Fire 2009
Grievance Fire 2012
- Police information forthcoming

City of South Fulton

- All employees have right to have adverse and non adverse actions reviewed
- Employees have the option under the law to seek representation
- 1 Review Panel made up of participants elected by employees
- Clear guidelines for performance documentation

Proposed City of South Fulton Appeal/Grievance Review Process

- Adheres to the Merit System Principles
 - The Civil Service Reform Act of 1978 incorporated key merit system principles including deregulation of performance appraisal and awards. Agencies are given authority and freedom to manage performance effectively.
 - Delegation, deregulation, and simplification also means there is increased accountability on behalf of the City of South Fulton leadership and staff.
 - By incorporating the merit system principles, which provide a framework for responsible behavior, the City of South Fulton ensures that all employees have a right to grieve or appeal adverse and non-adverse actions or decisions.
 - The five component process of effective performance management includes: planning, monitoring, developing, appraising, and rewarding. (opm.gov)

Planning

- All employees will be assigned to a position outlined in the approved Pay & Classification Schedule.
- Job descriptions and expectations for all City employees will be established based upon the requirements of the position.
- Department Heads shall ensure that employees understand the expectation of the position for which they are assigned.
- Employees shall sign and acknowledge receipt of the assigned job description.
- Goals and objectives for the calendar year should be outlined to ensure success of the employee, department and the City.

Monitoring

- Monitor and measure performance on a regular basis.
- The Human Resources Department is recommending that Department Heads establish annual performance goals and objectives for every employee/ job assignment.
- Department Heads should measure the performance of their respective departments collectively and individually to ensure that the City is on Target for meeting the service and delivery expectations for the calendar year.

Developing

- Offer opportunities for training, development and improvement when there are problems.
- A Progressive Disciplinary process will be established to address performance concerns.
- All managers will be trained to address and document performance issues according to the policy.
- Performance Improvement needs and plans to address concerns should be documented for development.
- Legal review prior to any adverse action and during any Grievance or Appeal Review.

Appraising

- Appraising performance should not be a surprise to any City of South Fulton employee.
- The HR Department is recommending two employee appraisal periods, Mid-Year and Annual to encourage consistent communication between supervisors/managers and employees at all levels.
- The supervisors/managers will be trained in the appraisal process, including strategies on delivering effective performance feedback.

Rewarding

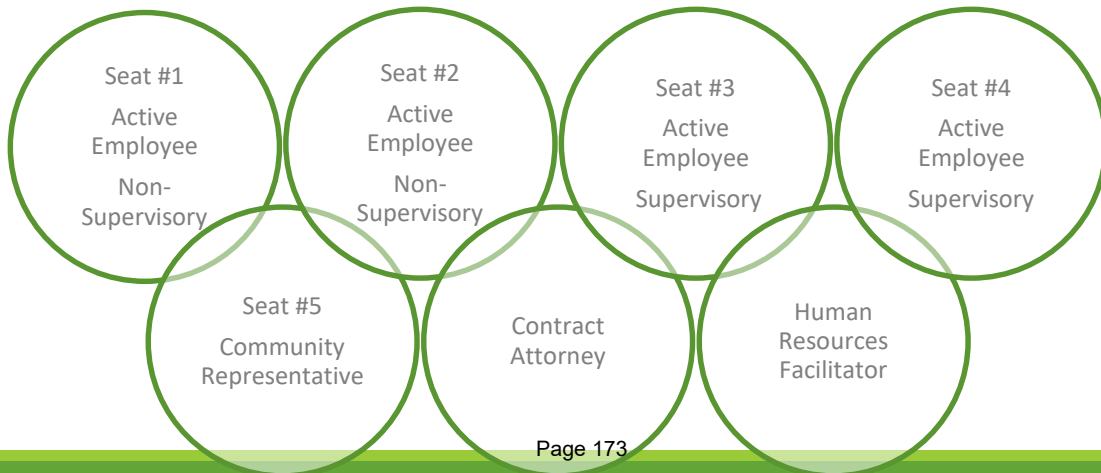
- To validate appropriate pay and compensation, the Human Resources Department shall be responsible for establishing and maintaining a Pay & Classification Plan that will address market and economic variations.
- A process for recommending promotions, classification or pay changes and adverse actions shall be developed.

Proposed City of South Fulton Grievance/Appeal Review Panel

- It is recommended that the City of South Fulton establishes an impartial Employee Relations Review Panel to review all Grievances and Appeals.
 - The panel should consist of 4 active employees and a community representative experienced in Employee Relations. To prevent bias, the employee participants may not be from the same department. Therefore, 2 alternates will be selected at the time of the elections.
 - The panel will also include a contract attorney and HR professional to facilitate the meetings.
 - Meetings will be held monthly (as needed) to address open grievances and/or appeals submitted by employees.
 - There shall be a time limit set on all seats of the panel (excluding the contract attorney).
 - Members of the panel are not entitled to receive compensation for their services. The member selected from the community, however, shall receive per diem compensation.

Employee Relations Panel Selection Process

- (2) Non-supervisory and (1) alternate active employee panelists are nominated by employees across the City
- (2) Supervisory and (1) alternate active employee panelists are nominated by the City Manager
- (1) Community Representative is nominated by the supervisory and non-supervisory employees, collectively.
- (1) The Contract Attorney may be nominated by the City Attorney



Council Request for Merit based on Pay & Class

- Not recommended by Human Resources as there is no fair and equitable way to place value on the multiple positions in the same classification.
- Eliminating all Supervisor, Managers and Department Heads creates and US vs Them relationship between employees and Leaders.
- Does not create an environment of open honest dialogue about performance in the employment relationship
- Our goal is for all employees to feel they add value to the City

ENGINEERING TECHNICIAN, SENIOR	20
FIREFIGHTER III	20
FLEET SERVICE COORDINATOR, POLICE	20
GRAPHIC DESIGNER	20
NETWORK SPECIALIST	20
PLANNER II	20
PLANS REVIEWER	20
POLICE OFFICER II	20
DEVELOPMENT SITE INSPECTOR	20
FLEET SERVICES COORDINATOR	20

Employee Relations Panel Process

